ILLINOIS POLLUTION CONTROL BOARD March 2, 2006

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
V.)
)
INTERSTATE BRANDS CORPORATION, a)
Delaware corporation,)
)
Respondent.)

PCB 04-134 (Enforcement - Air)

ORDER OF THE BOARD (by T.E. Johnson):

On January 29, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Interstate Brands Corporation (IBC). The complaint concerns IBC's bakery product production and packaging facility at 9555 W. Soreng, Schiller Park, Cook County. The complaint alleges that IBC violated Sections 9(a) and 9.1(d)(1) of the Environmental Protection Act (Act) (415 ILCS 5/9(a) and 9.1(d)(1) (2004)) and 40 C.F.R. 61.145(b), (c)(1), (c)(3), (c)(6), and (c)(8) and 61.150(a) by (1) conducting removal of regulated asbestos-containing material (RACM) while failing to provide written notice to the Illinois Environmental Protection Agency (Agency); (2) failing to remove all RACM before engaging in building demolition or renovation that would dislodge or disturb the material; (3) failing to engage in emissions controls such as maintaining the RACM wet during removal; (4) failing to have a person on hand who was trained for RACM removal; (5) failing to properly contain the RACM removed in air-tight containers and disposing of the material in a dumpster as ordinary trash; and (6) causing or allowing air pollution. The Board accepted the complaint for hearing on February 5, 2004.

On February 27, 2006, the People and IBC filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act. 415 ILCS 5/31(c)(1) (2004). These filings are authorized by Section 31(c)(2) of the Act. 415 ILCS 5/31(c)(2) (2004). See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, IBC neither admits nor denies the violations alleged in the complaint, but agrees that a money judgment for \$90,000 be entered against it. The parties agree that IBC filed for Chapter 11 bankruptcy on September 22, 2004, and that the stipulation and proposal for settlement is subject to the allowance of a claim in the amount of \$90,000 in favor of the People by the Bankruptcy Court.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a

hearing. 415 ILCS 5/31(c)(2) (2004); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 2, 2006, by a vote of 4-0.

Driverty Mr. Sunn

Dorothy M. Gunn, Clerk Illinois Pollution Control Board