

ILLINOIS POLLUTION CONTROL BOARD
December 3, 2009

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 07-124
)	(Enforcement - Water)
KRAFT FOODS GLOBAL, INC.,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C.K. Zalewski):

On June 5, 2007, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a seven-count complaint against Kraft Foods Global, Inc. (Kraft). *See* 415 ILCS 5/31(c)(1) (2006); 35 Ill. Adm. Code 103.204. The complaint concerns discharges in 2005 of various process wastewaters from respondent's food processing and production facility, located at 1555 West Ogden Avenue, Naperville, DuPage County. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2008¹)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2008); 35 Ill. Adm. Code 103. In this case, the People allege that Kraft violated Section 12(a), 12(d), and 12(f) of the Act (415 ILCS 12(a), 12(d), 12 (f) (2008)) and the Board's regulations at 35 Ill. Adm. Code 302.203, 304.105, 304.106, 304.120(a), 306.102(a), 306.102(b) and Section 309.102(a) by (1) causing, allowing or threatening to cause water pollution, and (2) depositing process wastewater on the land in such place and manner so as to create a water pollution hazard, (3) discharging process wastewater without a permit under the National Pollutant Discharge Pollution Elimination System, (4) failing to take remedial action to repair its treatment works and associated facilities in a timely manner, (5) to avoid causing violations of applicable standards, including the (6) failing to employ entrapment dikes in sewers or to take other reasonable measures to prevent any spillage of contaminants from causing water pollution, and (7) discharging effluent at levels in excess of the standards for five-day biochemical oxygen demand and total suspended solids.

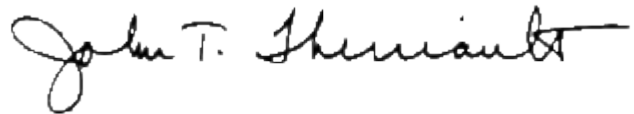
¹ All citations to the Act will be to the 2008 compiled statutes, unless the provision at issue has been substantively amended in the 2008 compiled statutes.

On November 12, 2009, the People and Kraft 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) (2008)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2008)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Kraft does not admit the alleged violations, but agrees to pay a civil penalty of \$84,570.00.

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. *See* 415 ILCS 5/31(c)(2) (2008); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 3, 2009, by a vote of 5-0.

A handwritten signature in black ink, reading "John T. Therriault". The signature is fluid and cursive, with a long horizontal stroke at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board