

ILLINOIS POLLUTION CONTROL BOARD
July 7, 2011

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 12-01
)	(Enforcement - Water)
HOOPESTON FOODS, INC., a Delaware)	
corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by G.T. Girard):

On July 1, 2011, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Hoopeston Foods, Inc. (Hoopeston). The complaint concerns Hoopeston's bean canning facility located at 215 W. Washington Street, Hoopeston, Vermilion County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), 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 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that Hoopeston violated Sections 12(a) and (f) of the Act (415 ILCS 5/12(a),(f) (2010)) and Sections 309.102(a) and 305.102(b) of the Board's water pollution regulations (35 Ill. Adm. Code 309.102(a), 305.102(b)) by: 1) continuing to discharge cooling water into an unnamed tributary of the North Fork of the Vermilion River following the expiration of NPDES Permit IL0022250, 2) causing, threatening, or allowing the discharge of cooling water without a permit so as to violate Board regulations and Standard Condition 2 of Hoopeston's NPDES Permit, 3) failing to sample and record monitoring results on Discharge Monitoring Report forms each month from May 2005 to December 2009, and 4) causing, threatening, or allowing the discharge of cooling water into the unnamed tributary in violation of Special Condition 7 of Hoopeston's NPDES Permit. The Board finds that the complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On July 1, 2011, simultaneously with the People's complaint, the People and Hoopeston 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), 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, Hoopston does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$28,500.00.

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) (2010); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 7, 2011, by a vote of 5-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board