ILLINOIS POLLUTION CONTROL BOARD April 5, 2012

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 11-105
)	(Enforcement - Water)
KOLB-LENA BRESSE BLEU, INC.,)	
an Illinois corporation, KOLB-LENA, INC.,)	
a Delaware corporation, and ZAUSNER)	
FOODS CORP., a Delaware corporation,)	
)	
Respondents.)	

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

On June 30, 2011, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a nine-count complaint against Kolb-Lena Bresse Bleu, Inc., an Illinois corporation; Kolb-Lena, Inc., a Delaware corporation; and Zausner Foods Corp., a Delaware corporation (collectively, respondents). The complaint concerns respondents' cheese processing plant at 3990 North Sunnyside Road, Lena, Stephenson 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 (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 respondents violated Sections 9(a), 9(c), 12(a), 12(d), and 12(f) of the Act (415 ILCS 5/9(a), 9(c), 12(a), 12(d), 12(f) (2010)), and Sections 237.102(a), 304.106, 304.120(a), 306.102(a), and 309.204 of the Board's regulations (35 III. Adm. Code 237.102(a), 304.106, 304.120(a), 306.102(a), 309.204). The People allege that respondents violated these sections by: 1) causing, threatening, or allowing air pollution; 2) causing or allowing the open burning of refuse; 3) causing or allowing the discharge of contaminants that can cause water pollution; 4) causing or allowing the deposition of contaminants upon the land that create a water pollution hazard; 5) causing, threatening, or allowing the discharge of a contaminant from a point source into Illinois' waters without an NPDES permit; 6) causing, threatening, or allowing the discharge of effluent in violation of the Board's regulations; 7) causing or allowing the discharge of effluent from the facility's spray irrigation system; 8) failing to construct or operate treatment works and associated facilities to minimize violating applicable standards during an equipment failure; and 9) using or operating treatment works without operating permits for spray irrigation system and for sludge.

On March 15, 2012, the People and respondents 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, the respondents do not affirmatively admit the alleged violations, but agree to pay a civil penalty of \$27,000.00.

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 T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 5, 2012, by a vote of 5-0.

John T. Therriault, Assistant Clerk Illinois Pollution Control Board

John T. Therriant