

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD


PEOPLE OF THE STATE OF ILLINOIS,)	
)	
)	
Complainant,)	
)	
)	PCB 02-186
v.)	
)	Enforcement – Air
)	
)	
PERFETTI VAN MELLE USA INC. f/k/a)	
VAN MELLE USA INC., a Kentucky)	
corporation,)	
)	
Respondent.)	

NOTICE OF FILING

To: See attached Service List

PLEASE TAKE NOTICE that on the 18th day of May, 2006, the People of the State of Illinois, filed with the Illinois Pollution Control Board, a **MOTION FOR RELIEF FROM HEARING REQUIREMENT** and a **STIPULATION AND PROPOSAL FOR SETTLEMENT**, true and correct copies of which are attached hereto and is hereby served upon you.

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN, Attorney General
of the State of Illinois

By: 

George D. Theophilos
Assistant Attorney General
Environmental Bureau
188 West Randolph Street, 20th Fl.
Chicago, IL 60601
(312) 814-6986

DATE: May 18, 2006

THIS FILING IS SUBMITTED ON RECYCLED PAPER

SERVICE LIST

Mr. Bradley P. Halloran, Esq.
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

Ms. Maureen Wozniak, Esq.
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Mr. Jon S. Faletto, Esq.
Hinshaw & Culbertson, LLP
456 Fulton Street
Peoria, IL 61602

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)

Complainant,)

v.)

PERFETTI VAN MELLE USA INC. f/k/a)
VAN MELLE USA INC., a Kentucky)
corporation,)

Respondent.)

PCB 02-186

Enforcement – Air

MOTION FOR RELIEF FROM HEARING REQUIREMENT

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and hereby moves for relief from the hearing requirement in this case pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(c)(2) (2004), and Section 103.300 of the Illinois Pollution Control Board (“Board”) Procedural Rules, 35 Ill. Adm. Code 103.300. In support of this Motion, the Complainant states as follows:

1. Section 31(c)(2) of the Act allows the parties in certain enforcement cases to request relief from the mandatory hearing requirement where the parties submit to the Board a Stipulation and Proposal for Settlement. Section 31(c)(2) provides as follows:

Notice; complaint; hearing.

* * *

(c)(2) Notwithstanding the provisions of subdivision (1) of this subsection (c), whenever a complaint has been filed on behalf of the Agency or by the People of the State of Illinois, the parties may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the requirement of a hearing pursuant to

subdivision (1). Unless the Board, in its discretion, concludes that a hearing will be held, the Board shall cause notice of the stipulation, proposal and request for relief to be published and sent in the same manner as is required for hearing pursuant to subdivision (1) of this subsection. The notice shall include a statement that any person may file a written demand for hearing within 21 days after receiving the notice. If any person files a timely written demand for hearing, the Board shall deny the request for relief from a hearing and shall hold a hearing in accordance with the provisions of subdivision (1).

2. Board Procedural Rule 103.300 provides, in relevant part, as follows (emphasis in original):

Request for Relief from Hearing Requirement in State Enforcement Proceeding.

(a) Whenever a complaint has been filed on behalf of the Agency or by the People of the State of Illinois, the parties may file with the Board a proposed stipulation and settlement accompanied by a request for relief from the requirement of a hearing pursuant to Section 31(c)(2) of the Act

3. On April 23, 2002, the Complaint in this matter was filed with the Board.

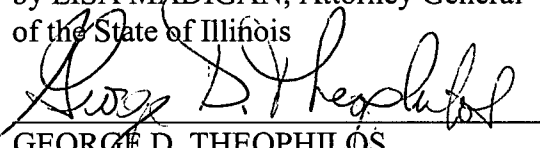
4. Subsequently, the parties to this action reached agreement on a Stipulation and Proposal For Settlement, which is being filed with the Board concurrently with this motion. No hearing is currently scheduled in this case.

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, respectfully moves for relief from the requirement of a hearing pursuant to Section 31(c)(2) of the Act and Board Procedural Rule 103.300.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
by LISA MADIGAN, Attorney General
of the State of Illinois

BY:


GEORGE D. THEOPHILOS
Assistant Attorney General
Environmental Bureau/North
188 West Randolph Street, Suite 2001
Chicago, Illinois 60601
312-814-6986

DATE: May 18, 2006

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
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 Complainant,)
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)
 v.) PCB 02-186
) Enforcement - Air
)
)
 PERFETTI VAN MELLE USA INC. f/k/a)
 VAN MELLE USA INC., a Kentucky)
 corporation,)
)
)
 Respondent.)

STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency ("Illinois EPA"), and PERFETTI VAN MELLE USA INC. f/k/a VAN MELLE USA INC., a Kentucky corporation, authorized to do business in the State of Illinois ("Respondent"), have agreed to the making of this Stipulation and Proposal for Settlement ("Stipulation") and submit it to the Illinois Pollution Control Board ("Board") for approval. The parties agree that the statement of facts contained herein represents a fair summary of the evidence and testimony which would be introduced by the parties if a hearing were held. The parties further stipulate that this statement of facts is made and agreed upon for purposes of settlement only and that neither the fact that a party has entered

into this Stipulation, nor any of the facts stipulated herein, shall be introduced into evidence in any other proceeding regarding the claims asserted in the Complaint except as otherwise provided herein. If the Board approves and enters this Stipulation, Complainant and Respondent agree to be bound by the Stipulation and Board Order, and Respondent agrees not to contest their validity in any subsequent proceeding to implement or enforce their terms.

I. JURISDICTION

The Board has jurisdiction of the subject matter herein and of the parties consenting hereto pursuant to the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/1 et seq. (2002).

II. AUTHORIZATION

The undersigned representatives for each party certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

III. STATEMENT OF FACTS

A. Parties

1. On April 23, 2002, a Complaint was filed on behalf of the People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois, on her own motion and upon the request of

the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2002), against the Respondent.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2002).

3. At all times relevant to the Complaint, Respondent was and is a Kentucky corporation that is authorized to transact business in the State of Illinois.

B. Site Description

1. At all times relevant to the Complaint, Respondent operated a candy manufacturing facility that it leased at 151 North Hastings Lane, Buffalo Grove, Lake County, Illinois ("facility").

2. On or about April 4, 2000, Respondent submitted an application for a state operating permit to the Illinois EPA.

3. On or about June 30, 2000, the Illinois EPA denied Respondent's permit application. As reasons for its denial, Illinois EPA stated that the application indicated the facility had the potential to emit 249 tons of Volatile Organic Material (VOM) per year yet had failed to demonstrate compliance with the eighty-one percent (81%) VOM control requirements under 35 Ill. Adm. Code Part 218 and the new source review (NSR) requirements of 35 Ill. Adm. Code Part 203.

4. On or about July 25, 2000, Respondent submitted additional information to the Illinois EPA Permit Section in the form of a revised permit application.

5. On or about October 13, 2000, the Illinois EPA denied the revised application. As reasons for its denial, Illinois EPA stated that the application failed to substantiate the emission rate of VOM from the candy coating and did not properly address emissions from the receiving and handling of flour and sugar.

6. On or about February 6, 2002, Respondent filed an application for a Federally Enforceable State Operating Permit ("FESOP") for the existing candy manufacturing processes and related equipment at the facility.

7. On or about May 7, 2002, Illinois EPA denied Respondent's FESOP application.

C. Allegations of Non-Compliance

In its Complaint, Complainant alleged that the Respondent has violated the following provisions of the Act and Board regulations:

Count I: Operation of emissions sources without a permit, in violation of Section 9(b) of the Act, 415 ILCS 5/9(b) (2002), and Section 201.143 of the Board's regulations, 35 Ill. Adm. Code 201.143.

Count II: Failure to timely submit CAAPP application, in violation of Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2002), and Section 270.301(b) of the Board's regulations, 35 Ill. Adm. Code 270.301(b).

Count III: Failure to timely submit ERMS application, in violation of Section 9.8(b) of the Act, 415 ILCS 5/9.8(b) (2002), and in violation of 205.310(a), 205.300(a) and 205.150(c), (d), and (e) of the Board's regulations, 35 Ill. Adm. Code 205.310(a), 205.300(a) and 205.150(c), (d), and (e).

Count IV: Releasing VOM emissions into the atmosphere without demonstrating compliance with New Source Review requirements, in violation of Section 9(a) of the Act, 415 ILCS 5/9(a) (2002), and Sections 201.141 and 203.201 of the Board's regulations, 35 Ill. Adm. Code 201.141 and 203.201.

Count V: Failure to reduce uncontrolled VOM emissions, in violation of Section 9(a) of the Act, 415 ILCS 5/9(a) (2002), and Sections 201.141 and 218.986 of the Boards regulations, 35 Ill. Adm. Code 201.141 and 218.986.

D. Admission of Violations

The Respondent neither admits nor denies the violations alleged in the Complaint filed in this matter and referenced herein.

E. Compliance Activities to Date

Respondent has represented that candy manufacturing operations at the facility have been terminated and the operation of all emission units at the facility ceased. Respondent further represents and acknowledges that it will withdraw its pending application for a FESOP by sending a letter to the Illinois EPA on or before the date of entry of this Stipulation and Proposal for

V. COMPLIANCE WITH OTHER LAWS AND REGULATIONS

This Stipulation in no way affects the responsibilities of the Respondent to comply with any other federal, state or local laws or regulations including, but not limited to, the Act and the Board regulations, 35 Ill. Adm. Code, Subtitles A through H.

VI. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (2002), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the parties state the following:

1. Complainant asserts that the environment was threatened by the Respondent's alleged violations and the Illinois EPA's information gathering responsibilities were hindered. Further, the Respondent's alleged violations were contrary to the goals and purpose of the Act which establishes a unified state-wide program "to restore, protect and enhance the quality of the environment, and to assure that adverse effects upon the environment are fully considered and borne by those who cause them." See Section 2(b) of the Act, 415 ILCS 5/2(b) (2002).

2. There is social and economic benefit to the facility.

3. Operation of the facility was suitable for the area in which it occurred.

4. Obtaining the proper permits for operation of the facility and compliance with the terms thereof, and compliance with the NSR, ERM, and Part 218 requirements of the Board's regulations, was both technically practicable and economically reasonable.

5. Respondent represents that it has permanently terminated all candy manufacturing operations and the operation of all emission units at the facility. Respondent will provide written confirmation of the termination of candy manufacturing and emission unit operations to the Illinois EPA on or before the date of entry of this Stipulation and Proposal for Settlement.

VII. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2002), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief there from as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency; and
7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform.

In response to these factors, the parties state as follows:

1. Complainant asserts that the Respondent failed to obtain a permit for the facility even though Respondent was emitting significant quantities of VOM into the air. The violations began during the 1999 calendar year and lasted until at least June 29, 2001.

2. After the Complaint was filed, Respondent diligently made an effort to resolve the alleged violations and come into compliance with the Act, Board regulations and applicable federal regulations.

3. Complainant asserts that Respondent failed to purchase the required ATUs for the 2000 and 2001 emissions seasons. Respondent also failed to secure the necessary permit to operate the facility and failed to comply with the NSR and Part 218 requirements of the Board's regulations. Respondent obtained an economic benefit as a result. However, the penalty and other payments obtained negate the economic benefit accrued.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of One Hundred Twenty Thousand Dollars (\$120,000.00), as well as an additional payment of Sixty Thousand Nine Hundred Nine Dollars and Thirty-Nine Cents (\$60,909.39) for purchase of ATUs from the Illinois EPA's Alternative Compliance Market Account (ACMA) and payment of the 2004 annual air pollution site fee of \$1,800 will serve to deter

further violations and aid in future voluntary compliance with the Act and Board regulations.

5. To Complainant's knowledge, Respondent has no previously adjudicated violations of the Act.

6. Self-disclosure is not at issue in this matter.

7. The settlement of this matter does not include a supplemental environmental project.

VIII. TERMS OF SETTLEMENT

A. Penalty, ATU and Site Fee Payments

1. The Respondent shall pay a civil penalty in the sum of One Hundred Twenty Thousand Dollars (\$120,000.00) to be paid to Illinois EPA within thirty (30) days from the date the Board issues an order accepting this Stipulation and Proposal for Settlement. Within thirty (30) days from the date the Board issues an order accepting this Stipulation, Respondent shall also pay Sixty Thousand Nine Hundred Nine Dollars and Thirty-Nine Cents (\$60,909.39) for past due ATUs as provided in the ACMA bill issued to Respondent by Illinois EPA on or about June 25, 2004 and \$1,800 for the 2004 air pollution site fee as provided in the invoice issued to the Respondent by the Illinois EPA on December 8, 2004. The Respondent stipulates that payment for the penalty, ATUs, and 2004 air pollution site fee has been tendered to Respondent's attorney of record in this matter in a form acceptable to that attorney. Further, Respondent stipulates that said attorney has

been directed to make the penalty , ATU, and site fee payments on behalf of Respondent. The penalty described in this Stipulation shall be paid by certified check, money order or electronic funds transfer payable to the Illinois EPA, designated to the Illinois Environmental Protection Trust Fund. A certified check or money order shall be and submitted to:

Illinois Environmental Protection Agency
Fiscal Services Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

The name and number of the case and Respondent's Federal Employer Identification Number (FEIN) shall appear on the certified check or money order. If submitting an electronic funds transfer to the Illinois EPA, the electronic funds transfer shall be made in accordance with specific instructions to be timely provided to Respondent prior to the date of the entry of the Stipulation and Proposal for Settlement. Payment for the ATUs shall be made as directed in the ACMA bill issued to Respondent by the Illinois EPA on or about June 25, 2004 and payment of \$1,800 for the 2004 air pollution site fee shall be made as directed in the invoice issued to Respondent by the Illinois EPA on or about December 8, 2004. A copy of the certified check, money order or record of electronic funds transfer and any transmittal letter for the penalty, ATUs and

permit fees shall be sent to:

George D. Theophilos
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601

and

Maureen E. Wozniak
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

2. Pursuant to Section 42(g) of the Act, 415 ILCS 5/42(g) (2002), interest shall accrue on any payment not paid within the time period prescribed above at the maximum rate allowable under Section 1003(a) of the Illinois Income Tax Act, 35 ILCS 5/1003 (2002). Interest on any unpaid payment shall begin to accrue from the date the payment is due and continue to accrue until the date payment is received. When partial payment(s) are made, such partial payment shall be first applied to any interest on unpaid payment then due and owing. All interest on payment owed shall be paid by certified check, money order or electronic funds transfer, payable to the Illinois EPA, designated to the Illinois Environmental Protection Trust Fund and delivered to the address and in the manner described above.

3. For purposes of payment and collection, Respondent's

attorney may be reached at the following address:

Jon S. Faletto
Howard & Howard Attorneys, P.C.
One Technology Plaza
211 Fulton Street, Suite 600
Peoria, IL 61602-1350

4. In the event of default of this Section VIII.A, the Complainant shall be entitled to all available relief including, but not limited to, reasonable costs of collection and reasonable attorney's fees.

B. Compliance Plan

Respondent shall remit the required penalty, ATU payments, and 2004 air pollution site fee to the Illinois EPA as described above.

Respondent, having represented that it has terminated all candy manufacturing and emission unit operations at the facility, agrees that it shall not re-commence operations at any time in the future without first obtaining all permits and approvals from the Illinois EPA required under law.

C. Future Use

Notwithstanding any other language in this Stipulation to the contrary, and in consideration of the mutual promises and conditions contained in this Stipulation, including the Release from Liability contained in Section VIII.E, below, the Respondent hereby agrees that this Stipulation may be used against the

Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations promulgated thereunder for all violations alleged in the Complaint in this matter, for purposes of Section 39(a) and (i) and/or 42(h) of the Act, 415 ILCS 5/39(a) and (i) and/or 5/42(h) (2002). Further, Respondent agrees to waive any rights to contest, in any subsequent enforcement action or permit proceeding, any allegations that these alleged violations were adjudicated.

D. Cease and Desist

The Respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint as outlined in Section III.C ("Allegations of Non-Compliance") of this Stipulation.

E. Release from Liability

In consideration of the Respondent's payment of the One Hundred Twenty Thousand Dollar Penalty (\$120,000.00), payment of the Sixty Thousand Nine Hundred and Nine Dollars and Thirty-Nine Cents (\$60,909.39) for purchase of the ATUs, payment of \$1,800 for the 2004 air pollution site fee, compliance with the Compliance Plan in Section VIII.B, to Cease and Desist as contained in Section VIII.D., and upon the Pollution Control Board's acceptance and approval of the terms of this Stipulation and Proposal for

Settlement, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for violations of the Act and Board Regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed on April 23, 2002. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondent with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois or the Illinois EPA may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, or entity other than the Respondent.

F. Correspondence, Reports and Other Documents

Any and all correspondence, reports and any other documents required under this Stipulation, except for payments pursuant to Sections VIII.A ("Penalty Payment") and of this Stipulation shall be submitted as follows:

As to the Complainant

George D. Theophilos
Assistant Attorney General Environmental Bureau
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601

and

Maureen E. Wozniak
Assistant Counsel
Illinois EPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

As to the Respondent

Jon S. Faletto
Howard & Howard Attorneys, P.C.
One Technology Plaza
211 Fulton Street, Suite 600
Peoria, IL 61602-1350
(309) 672-1483

and

William Stepan
Vice President of Manufacturing
Perfetti Van Melle USA Inc.
3645 Turfway Road
PO Box 18190
Erlanger, KY 41018-0910

G. Modification of Stipulation

The parties may, by mutual written consent, agree to extend any compliance dates or modify the terms of this Stipulation. A request for any modification shall be made in writing and submitted to the contact persons identified in Section V.III.F Any such request shall be made by separate document, and shall not be submitted within any other report or submittal required by this Stipulation. Any such agreed modification shall be in writing, signed by authorized representatives of each party, and then accompany a joint motion to the Illinois Pollution Control Board seeking a modification of the prior Order approving and accepting the Stipulation to approve and accept the Stipulation as amended.

H. Enforcement of Board Order

1. Upon the entry of the Board's Order approving and accepting this Stipulation and Proposal for Settlement, that Order is a binding and enforceable order of the Illinois Pollution Control Board and may be enforced as such through any and all available means.

2. Respondent agrees that notice of any subsequent proceeding to enforce the Board Order approving and accepting this Stipulation and Proposal for Settlement may be made by mail and waives any requirement of service of process.

3. The parties agree that, if the Board does not approve and accept this Stipulation and Proposal for Settlement, then neither party is bound by the terms herein.

4. It is the intent of the Complainant and Respondent that the provisions of this Stipulation and Proposal for Settlement and any Board Order accepting and approving such shall be severable, and should any provision be declared by a court of competent jurisdiction to be inconsistent with state or federal law, and therefore unenforceable, the remaining clauses shall remain in full force and effect.

I. Termination

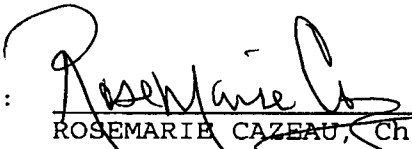
1. The provisions of Section VIII.C "Future Use," Section VIII.D "Cease and Desist" and Section VIII.E "Release from Liability" shall survive and shall not be subject to and are not affected by the termination of any other provision(s) of this Stipulation and Proposal for Settlement.

WHEREFORE, Complainant and Respondent request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS,

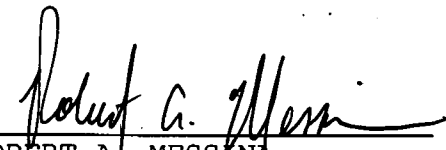
LISA MADIGAN
Attorney General
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

BY: 
~~ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General~~

DATE: 1/9/06

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

BY: 
ROBERT A. MESSINA
Chief Legal Counsel

DATE: 1/4/06

PERFETTI VAN MELLE USA INC.

BY: _____
WILLIAM STEPAN
Vice President of Manufacturing

DATE: _____

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN
Attorney General
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

BY: _____
ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General

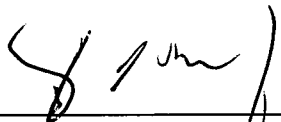
DATE: _____

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

BY: _____
ROBERT A. MESSINA
Chief Legal Counsel

DATE: _____

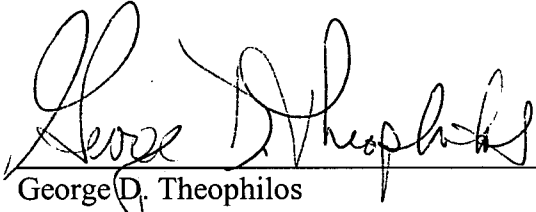
PERFETTI VAN MELLE USA INC.

BY:  _____
RONALD KORENHOF
President & Chief Executive
Officer

DATE: 05.08.2006

CERTIFICATE OF SERVICE

I, George D. Theophilos, an Assistant Attorney General, do certify that I caused to be mailed, this 18th day of May, the foregoing **MOTION FOR RELIEF FROM HEARING REQUIREMENT** and **STIPULATION AND PROPOSAL FOR SETTLEMENT** to the persons listed on the attached Service List by first class mail, with postage pre-paid.


George D. Theophilos