

ILLINOIS POLLUTION CONTROL BOARD
May 1, 2003

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 02-56
)	(Enforcement - Water)
CHIQUITA PROCESSED FOODS, LLC, a)	
Wisconsin limited liability corporation,)	
)	
Respondent.)	

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

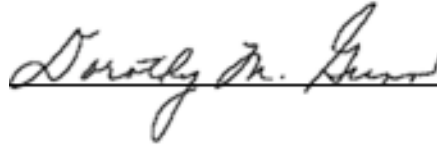
On November 9, 2001, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Chiquita Processed Foods, LLC, a Wisconsin limited liability corporation (Chiquita). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that Chiquita violated Sections 12(a),(d) and (f) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/12(a),(d),(f) (2002)); and 35 Ill. Adm. Code 302.203, 302.204, 302.206, 304.106 304.141(a). The People further allege that Chiquita violated these provisions by releasing pumpkin processing waste to Prince Run Creek in Peoria County. The complaint concerns Chiquita's vegetable processing facility in Princeville, Peoria County.

On April 22, 2003, the People 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) (2002). This filing is authorized by Section 31(c)(2) of the Act. 415 ILCS 5/31(c)(2) (2002); *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Chiquita neither admits nor denies the alleged violations but agrees to pay a civil penalty of \$105,000. Chiquita also agrees to pay \$8,234.76 for the recovery of fish killed and investigation expenses.

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) (2002); 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 May 1, 2003, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board