

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

Complainant, )

v. )

No. PCB 2011-105

KOLB-LENA BRESSE BLEU, INC., )  
an Illinois corporation, KOLB-LENA, )  
INC., a Delaware corporation, and )  
ZAUSNER FOODS CORP., a Delaware )  
corporation, )

Respondents. )

**NOTICE OF FILING**

TO:

Gary S. Rovner  
Foley & Lardner LLP  
321 North Clark Street, Suite 2800  
Chicago, IL 60610

Gregory L. Berlowitz  
Foley & Lardner LLP  
321 North Clark Street, Suite 2800  
Chicago, IL 60610

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

Charles W. Gunnerson  
IEPA  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

R.A. Kolb-Lena Bresse Bleu, Inc.  
CT Corporation Systems  
208 South LaSalle Street  
Suite 814  
Chicago, Illinois 60601-1101

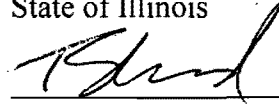
R.A. Zausner Foods Corp.  
Lewis D. Gitlin  
300 Martin Luther King Jr. Blvd.  
Suite B  
Wilmington, DE 19801

PLEASE TAKE NOTICE that on the 15<sup>th</sup> day of March, 2012, I filed with the Office of the Clerk of the Illinois Pollution Control Board the attached Motion to Request Relief From Hearing Requirement, a copy of which is hereby served upon you.

Respectfully submitted,

LISA MADIGAN,  
Attorney General of the  
State of Illinois

By:



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THOMAS H. SHEPHERD  
Assistant Attorney General  
Environmental Bureau  
69 West Washington Street, Suite 1800  
Chicago, Illinois 60602  
(312) 814-5361

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Respondents. )

**MOTION TO REQUEST RELIEF FROM HEARING REQUIREMENT**

Now comes Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and requests relief from the requirement of a hearing in this matter. In support thereof, the Complainant states as follows:

1. Along with this Motion, Complainant is filing a Stipulation and Proposal for Settlement executed between Complainant and Respondents Kolb-Lena Bresse Bleu, Inc., Kolb-Lena, Inc., and Zausner Foods Corp.

2. Section 31 of the Act, 415 ILCS 5/31 (2010), provides, in pertinent part, as follows:

\* \* \*

(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).

\* \* \*

3. No hearing is now scheduled in this matter.
4. The Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests relief from the requirement of a hearing pursuant to 415 ILCS 5/31(c)(2) (2010).

Respectfully submitted,

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

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

BY:



THOMAS H. SHEPHERD  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington St., Suite 1800  
Chicago, Illinois 60602  
(312) 814-5361

**CERTIFICATE OF SERVICE**

I, THOMAS H. SHEPHERD, do certify that I filed electronically with the Office of the Clerk of the Illinois Pollution Control Board the foregoing Notice of Filing and Motion to Request Relief From Hearing Requirement and caused them to be served this 15<sup>th</sup> day of March, 2012, upon the persons listed on the foregoing Notice of Filing by depositing true and correct copies of same in an envelope, certified mail postage prepaid, with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601, at of before the hour of 5:00 p.m.



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THOMAS H. SHEPHERD