

ILLINOIS POLLUTION CONTROL BOARD
May 10, 1990

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	PCB 89-162
)	(Enforcement)
FAMILY ENTERPRISES, INC., an)	
Illinois corporation, d/b/a)	
BELLETINI'S GROCERY,)	
)	
Respondent.)	

RENEE CIPRIANO, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF COMPLAINANT, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY.

OPINION AND ORDER OF THE BOARD (by M. Nardulli):

This matter comes before the Board upon a complaint filed on October 6, 1989, upon the request of the Illinois Environmental Protection Agency (Agency) by Neil F. Hartigan, Attorney general of the State of Illinois, against respondent, Family Enterprises, Inc., an Illinois corporation, d/b/a Belletini's Grocery (Belletini's). The complaint alleges that Belletini's operated a single-chambered incinerator utilized to burn scrap boxes from respondent's grocery business in violation of section 9(b) of the Illinois Environmental Protection Act (Act) (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1009 (b)) and section 201.143 of the Board's air regulations (35 Ill. Adm. Code 201.143), in that Belletini's operated its incinerator without a permit.

Hearing was held on this matter on January 12, 1990 in Chicago, Illinois. At the hearing, the Attorney General read into the record the terms of a stipulated agreement. This "Stipulation of Facts and Proposed Settlement" was subsequently signed by the parties and sets forth the full statement of all material facts pertaining to the nature, operations and circumstances surrounding the claimed violations. Belletini's admits past violations of the Act and Board regulations. Belletini's has subsequently complied with air pollution control requirements by applying for an operating permit. Belletini's agrees to pay a penalty of five hundred dollars (\$500) into the Environmental Trust Fund.

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way

affects respondent's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Boards's air pollution regulations.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1.) The Board hereby accepts the Stipulation of Facts and Proposed Settlement executed by the Illinois Environmental Protection Agency and Family Enterprises d/b/a Belletini's Grocery concerning violations of section 9(b) of the Act and 35 Ill. Adm. Code 201.143. The Stipulation of Facts and Proposed Settlement are incorporated by reference as though fully set forth herein.

2.) Belletini's shall pay the sum of five hundred dollars (\$500) within 30 days of the date of this Order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund, and shall be sent by First Class mail to:

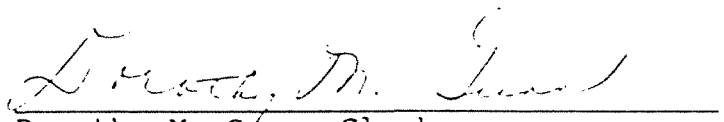
Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, IL. 62794-9276

Belletini's shall also write its Federal Employer Identification Number or Social Security Number on the certified check or money order.

Section 41 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1041) provides for appeal of Final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 10th day of May, 1990, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board