

ILLINOIS POLLUTION CONTROL BOARD

June 6, 1991

PEOPLE OF THE STATE OF ILLINOIS,)
)
)
Complainant,)
)
v.) PCB 91-40
) (Enforcement)
)
RICHHEIMER FOOD COMPANY, an)
Illinois Corporation, d/b/a)
RICHHEIMER COFFEE COMPANY,)
)
Respondent.)

PAMELA CIARROCCHI APPEARED ON BEHALF OF THE COMPLAINANT.

BRIAN BERGSTROM APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by J.C. Marlin):

This matter comes before the Board upon a complaint filed March 6, 1991 on behalf of the People of the State of Illinois ("People"), by and through its attorney, Roland W. Burris, Attorney General of the State of Illinois, against Richheimer Food Company ("Richheimer"), located in Chicago, Illinois. The complaint alleges that Richheimer has violated Section 9(b) of the Illinois Environmental Protection Act ("Act"), Ill. Rev. Stat. 1989, ch. 111½, pars. 1001, et. seq. and 35 Ill. Adm. Code 201.144 of the Board's rules and regulations.

Hearing on this matter was held May 21, 1991 in Chicago, Illinois. At hearing, the parties submitted a Stipulation and Settlement Agreement, executed by the parties. The Stipulation sets forth facts pertaining to the nature, operations, and circumstances surrounding the claimed violations. Richheimer admits to past violations of Section 9(b) of the Act and 35 Ill. Adm. Code 201.144 and agrees to pay a civil penalty of two thousand dollars (\$2,000). Richheimer further agrees to cease and desist from the alleged violations.

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 Board's pollution control 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 and Settlement Agreement executed by the People of the State of Illinois and Richheimer Food Company, concerning violations of Section 9(b) of the Act and 35 Ill. Adm. Code Section 201.144 by Richheimer Food Company's operations located in Chicago, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2.) Richheimer Food Company shall pay the sum of two thousand dollars (\$2,000) 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

Richheimer Food Company shall also write its Federal Employer Identification Number or Social Security Number on the certified check or money order.

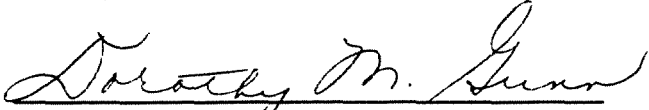
Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (Ill. Rev. Stat. 1989, ch. 120, par. 10-1003), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1987, ch. 111½, 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.

J.D. Dumelle and J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 6th day of June, 1991, by a vote of 5-2.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board