

ILLINOIS POLLUTION CONTROL BOARD
August 30, 1990

PEOPLE OF THE STATE ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 90-68
) (Enforcement)
 OSCAR MAYER FOOD CORPORATION,)
 a Delaware corporation,)
)
 Respondent.)

APPEARANCE FOR COMPLAINANT BY JOSEPH ANNUNZIO, ASSISTANT ATTORNEY GENERAL.

APPEARANCE FOR RESPONDENT DOUGLAS MORING, KRAFT GENERAL FOODS.

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

This matter comes before the Board upon a complaint filed April 20 1990, on behalf of the People of the State of Illinois (People), by and through its attorney, Neil F. Hartigan, Attorney General of the State of Illinois, against Oscar Mayer Food Corporation (Oscar Mayer), located in Chicago, Illinois. The complaint alleges that Oscar Mayer has violated Section 21(j) of the Illinois Environmental Protection Act ("Act"), Ill. Rev. Stat. 1989, ch. 111 $\frac{1}{2}$, pars. 1001, et. seq., and 35 Ill. Adm. Code 809.501(a) of the Board's rules and regulations.

Hearing on this matter was held June 18, 1990, 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. Oscar Mayer admits to past violations of Section 21(j) of the Act and 35 Ill. Adm. Code 809.501(a) and agrees to pay a civil penalty of seven thousand five hundred dollars (\$7,500). Oscar Mayer 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 Oscar Mayer Food Corporation, concerning Oscar Mayer's operations located in Chicago, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2.) Oscar Mayer shall pay the sum of seven thousand five hundred dollars (\$7,500) 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

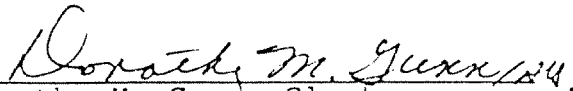
Oscar Mayer shall also write its Federal Employer Identification Number or Social Security Number on the certified check or money order.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1989, ch. 111 $\frac{1}{2}$, 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.

Board Member 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 30th day of August, 1990, by a vote of 6-1.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board