



**For Immediate Release**

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**ROCK CITY-BASED DAIRY PROCESSOR AND THREE EMPLOYEES  
PLEAD GUILTY TO CRIMINAL CHARGES; MADIGAN REACHES  
SETTLEMENT WITH PLANT IN SEPARATE CIVIL ACTION**

Chicago – Attorney General Lisa Madigan today announced that criminal and civil enforcement actions taken by her office against a Stephenson County dairy processing company and its vice-president, production manager and executive administrator have been resolved in separate court proceedings.

Both the criminal and civil actions stem from allegations that Berner Foods, Inc., doing business as Berner Cheese Corporation, released contaminants into the Rock Run Creek in amounts exceeding those allowed under their Illinois Environmental Protection Agency (IEPA) permits. The criminal indictments also allege three employees altered monthly reports to hide the excess contamination.

“It is very critical that companies follow the state’s environmental laws established to protect the public and our natural resources,” Madigan said. “My office will use all of its available resources to pursue environmental violators.”

Madigan and Stephenson County State’s Attorney John Vogt filed criminal charges last Friday, May 12, against Berner Foods and the employees. The defendants today pleaded guilty and were sentenced by Stephenson County Circuit Court Judge Michael Bald. The following sentences were handed down:

- Berner Foods, Inc., pleaded guilty to one count of Obstruction of Justice and one count of Water Permit Violation, both Class 4 felonies. Berner Foods was sentenced to pay \$10,000 for the costs and fees of the proceeding and \$115,000 in restitution.
- Edward Kneubuehl, vice-president, pleaded guilty to one count of Obstruction of Justice and one count of Water Permit Violation, both Class 4 felonies. Kneubuehl was sentenced to one year probation and 77 days in the Stephenson County Jail, and ordered to pay \$10,000 for the costs and fees of the proceeding and \$113,000 in restitution.
- Michael Fuller, production manager, pleaded guilty to one count of Obstruction of Justice and one count of Water Permit Violation, both Class 4 felonies. Fuller was sentenced to two years probation and 34

days in the Stephenson County Jail, and ordered to pay \$2,500 for the costs and fees of the proceeding and \$17,500 in restitution.

- Nancy Germain, executive administrator, pleaded guilty to one count of Water Permit Violation, a Class 4 felony. Germain was sentenced to two years probation and 120 hours of public service, and ordered to pay \$2,500 for the costs and fees of the proceeding and \$27,500 in restitution.

In a separate civil action, Stephenson County Circuit Court Judge Charles Hartman on Friday, May 12, signed a consent order reached between Madigan's Environmental Bureau and Berner Foods, Inc. The settlement agreement states that Berner Foods will develop and implement programs to ensure that its wastewater treatment system remains in compliance with all state environmental laws. In addition, Berner Foods will pay a \$15,000 civil penalty for the violations.

Madigan's civil complaint, filed August 20, 2004, alleged that on multiple occasions between May 2003 and July 2004, a milky white byproduct was released into the Rock Run Creek and created an offensive odor. Berner Foods was charged with violations of the Illinois Environmental Protection Act and Illinois Pollution Control Board Regulations, including air pollution violations, operating permit violations, unpermitted discharges and failing to report or accurately report levels of contamination.

The criminal case was handled by Bureau Chief Mitchell Cohen and Assistant Attorney General Colette Melhuish in Madigan's Environmental Crimes Bureau and the civil case was handled by Supervising Attorney Rebecca Burlingham in Madigan's Environmental Bureau.

The U.S. Environmental Protection Agency – Criminal Investigations Division, Illinois Department of Natural Resources, and IEPA assisted with the criminal investigation.

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