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KOLB-LENA & EMPLOYEE GUILTY FOR ILLEGAL DUMPING IN STEPHENSON COUNTY***Attorney General Madigan, State's Attorney Vogt Announce Pleas Following Joint State, Federal Investigation***

Springfield — Attorney General Lisa Madigan and Stephenson County State's Attorney John Vogt today announced a Loran Township-based cheese manufacturer and one of its employees pled guilty for illegally disposing its production waste and contaminating a tributary of Yellow Creek.

Stephenson County Judge James Hauser fined defendants Kolb-Lena, Inc. \$75,000, and its employee, Costas D. Constantine, 58, \$10,000 on one count each of misdemeanor negligent water pollution. Hauser sentenced the defendants to one year of conditional discharge.

A joint state and federal investigation revealed that in September 2010 a contaminant was observed flowing from a drain pipe into a tributary of the Yellow Creek near a hog confinement facility in Loran Township. Laboratory analysis revealed the contaminant to be cheese whey. Subsequent investigation revealed that Constantine, facility manager at Kolb-Lena, had instructed employees to dispose of the whey in a nearby manure pit. Kolb-Lena paid the operator of the hog confinement facility to accept the cheese whey, which then flowed out of the manure pit and into a nearby tributary of the Yellow Creek. It is estimated that each truckload disposed approximately 2,500 gallons of whey. At the time of these violations, Kolb-Lena, Inc. did not have a permit to dispose of the whey.

"The defendants displayed a complete disregard for the laws that prohibit the illegal dumping of waste and are designed to protect the public's health," Madigan said.

The U.S. Environmental Protection Agency-Criminal Investigations Division and the Illinois State Police assisted with this investigation, which is ongoing.

"The illegally stored whey ultimately flowed into Yellow Creek, where it could have risked harming people or wildlife," said Randall K. Ashe, Special Agent in Charge of U.S. EPA's criminal enforcement program in Illinois. "Companies and their manager who try to skirt the law to save money undermine our efforts to protect the public and the environment."

Assistant Attorney General Colette Kennedy of Madigan's Environmental Crimes Bureau and Stephenson County Assistant State's Attorney Carl Larson co-prosecuted the case based on a referral from the Illinois Environmental Protection Agency.

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