



Board did not receive any requests for hearing. The Board grants the parties' requests for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2010); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. *See* 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of respondents' operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2010)), which bears on the reasonableness of the circumstances surrounding the alleged violations. The stipulations also address the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2010)), which may mitigate or aggravate the civil penalty amount.

Under the first proposed stipulation, American Grain does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$12,000.00. American Grain also agrees to perform a supplemental environmental project through which it will pay \$2,000.00 to St. Clair County Special Services "to fund supplies and services for the St. Clair County hazardous materials team." Under the second proposed stipulation, EOI does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$14,000.00. The People and respondents have satisfied Section 103.302. The Board accepts the stipulations and proposed settlements.

This opinion constitutes the Board's findings of fact and conclusions of law.

### **ORDER**

1. The Board accepts and incorporates by reference the stipulations and proposed settlements.
2. American Grain must pay a civil penalty of \$12,000.00 no later than October 22, 2012, which is the first business day following the 30th day after the date of this order. American Grain must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name, case number, and American Grain's federal tax identification number must appear on the face of the certified check or money order.
3. American Grain must submit payment of the civil penalty to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

American Grain must send a copy of the certified check or money order and any transmittal letter to:

Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706

4. American Grain must also perform a supplemental environmental project by paying \$2,000.00 to fund supplies and services for the St. Clair County hazardous materials team. This payment must be made no later than October 22, 2012, which is the first business day following the 30th day after the date of this order. American Grain must make this payment by certified check or money order payable to St. Clair County Special Services.
5. American Grain must submit payment of this supplemental environmental project to:

St. Clair Special Emergency Services Association  
2900 Falling Springs Road  
Sauget, IL 62206

American Grain must send a copy of the certified check or money order and any transmittal letter to:

Rachel R. Medina  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706

6. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2010)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2010)).
7. American Grain must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject matter of the complaint.
8. EOI must pay a civil penalty of \$14,000.00 no later than October 22, 2012, which is the first business day following the 30th day after the date of this order. EOI must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name, case number, and EOI's federal tax identification number must appear on the face of the certified check or money order.
9. EOI must submit payment of the civil penalty to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

EOI must send a copy of the certified check or money order and any transmittal letter to:

Rachel R. Medina  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706

10. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2010)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2010)).
11. EOI must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject matter of the complaint.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2010); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 20, 2012 by a vote of 4-0.



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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board