

ILLINOIS POLLUTION CONTROL BOARD
September 6, 2001

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 00-50
) (Enforcement – Water)
A.E. STALEY MANUFACTURING)
COMPANY, a Delaware corporation,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by E.Z. Kezelis):

On July 30, 2001, the complainant filed a stipulation and proposal for settlement accompanied by a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (Act) (415 ILCS 5/31(c)(1) (2000)).

Pursuant to Section 31(c)(2) of the Act, the Board, by order of August 9, 2001, caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement.¹ The Board did not receive any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. In its complaint, the complainant alleged that the respondent violated Sections 12(a) and (f) of the Act (415 ILCS 5/12(a), (f) (2000)) and Sections 302.204, 304.141(a), and 304.125(a) of the Board's water pollution regulations (35 Ill. Adm. Code 302.204, 304.141(a), 304.125(a)). Complainant alleges that these violations resulted from a June 20, 1998, sulfuric acid spill, and from respondent's discharge of effluent that exceeded permit requirements, both of which occurred at respondent's Macon County, Illinois, facility.

The stipulation and proposal for settlement sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. Respondent agrees to pay a total civil penalty of \$35,000. Respondent must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's regulations.

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

ORDER

¹ Notice was published on August 5, 2001, in Decatur's Herald & Review.

1. The Board hereby accepts the stipulation and proposal for settlement executed by the People of the State of Illinois and A.E. Staley Manufacturing Company, regarding a facility located in Macon County, Illinois. The stipulation and proposal for settlement is incorporated by reference as if fully set forth herein.
2. Respondent shall pay the sum of \$35,000 within 30 days of the date of this order. Such payment shall be made by certified or corporate check payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund. The case number, case name, and respondent's federal employer identification number (37-1168475) shall also be included on the check.
3. The certified or corporate check shall be sent by first class mail to:

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

A copy of the payment transmittal and check shall be simultaneously submitted to:

Office of the Attorney General
Donna Lutes, Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

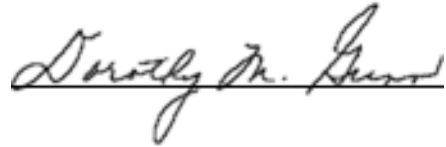
4. Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.
5. If respondent fails to timely pay the penalty required in this order, respondent shall pay liquidated penalties in the amount of \$500.00 per month of noncompliance, continuing until such time as the penalty is paid in full.
6. Respondent shall cease and desist from the alleged violations.

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) (2000); *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 101.5020; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on September 6, 2001, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board