

ILLINOIS POLLUTION CONTROL BOARD
April 22, 1993

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	PCB 83-150
)	(Enforcement)
ARCHER DANIELS MIDLAND)	
COMPANY,)	
)	
Respondent.)	

INTERIM ORDER OF THE BOARD (by J. C. Marlin)

This matter comes before the Board on an enforcement proceeding filed with the Board on October 11, 1983. On August 20, 1987, the Board issued an order accepting the parties' Stipulation and Proposal for Settlement. The order was not a standard Board order in that it recognized that the parties had not reached agreement on all aspects of the settlement. Specifically, the order noted that at the time the order was issued, the Agency had not yet approved Archer's compliance plan. The order went on to note that

The settlement agreement is silent on what is to occur in the event the Agency disapproves of the proposed compliance plan. The Board assumes the intent of the agreement is that ADM will submit an approvable compliance plan, even if it requires more than one attempt. In the event that the parties cannot agree on a compliance plan, either party is free to request relief pursuant to Section 103.241 of the Board's procedural rules.

80 PCB 306, at 2.

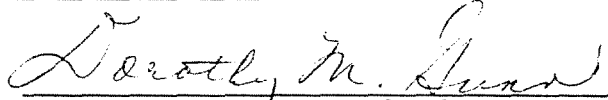
On March 16, 1993, the parties filed a Joint Motion for Modification of Final Order. The Board does not today address the substance of the motion for modification.

Section 31 of the Environmental Protection Act (415 ILCS 5/31 (1992).) requires a hearing to be conducted where the Agency has issued a formal complaint in an enforcement proceeding. Pursuant to Section 31.(a)(2) of the Act, the parties may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the requirement of a hearing. The parties assert that a hearing is unnecessary in this matter, but have not formally requested relief from the hearing requirement. Any request for relief from the hearing requirement should be received by the Board on or before May 26, 1993.

0141-0169

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 22nd day of April, 1993, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board