

ILLINOIS POLLUTION CONTROL BOARD
June 3, 1993

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

OPINION AND ORDER OF THE BOARD (by C. A. Manning):

This matter comes before the Board on a complaint filed on October 11, 1983. The complaint alleged that Archer Daniels Midland of Decatur, Macon County, Illinois, violated Sections 12(a) and 12(f) of the Environmental Protection Act ("Act"), 415 ILCS 5/12 (1992), as well as various sections of the Board's water pollution control regulations. On August 20, 1987, the Board issued an Order accepting the parties' stipulation and proposal for settlement. The Order recognized that the parties had not reached an agreement on all aspects of the settlement. On March 16, 1993, the parties filed a Joint Motion for Modification of Final Order. The motion sets forth facts pertaining to the nature, operations, and circumstances surrounding the modification of the compliance plan.

Pursuant to Section 31(a)(1) of the Act, a joint Motion requesting relief from the Act's hearing requirement was filed by the parties on April 29, 1993. Notice of the waiver was published by the Board on May 5, 1993; no objection to grant of the waiver was received. Waiver of hearing is granted by the Board via today's opinion and order.

The Board finds the Modification of the Settlement Agreement acceptable under 35 Ill. Adm. Code 103.180. This Modified Settlement Agreement in no way affects respondent's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control regulations.

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

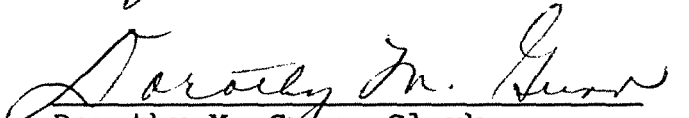
ORDER

- 1) The Board hereby accepts the Modification to Stipulation and Settlement Agreement executed by the People of the State of Illinois and Archer Daniels Midland, concerning violation of Section 12(a) and 12(f) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/12 (1992), by Archer Daniels Midland, doing business in Decatur, Macon County, Illinois. The Stipulation and Settlement Agreement and the modifications thereof are incorporated by reference as though fully set forth herein.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act, (415 ILCS 5/41 (1992)), provides for appeal of final orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246, Motion for Reconsideration).

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 3rd day of June, 1993, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board