

ILLINOIS POLLUTION CONTROL BOARD
February 7, 1991

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	PCB 86-104
)	(Enforcement)
vs.)	
)	
SOURS GRAIN COMPANY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by R. C. Flemal):

On January 15, 1991, the parties, Illinois Environmental Protection Agency ("Agency"), and Sours Grain Company ("Sours"), filed a joint motion to reopen the docket in this proceeding and to approve a stipulation ("Stipulation II"). Stipulation II regards Sours' noncompliance with certain terms of the Stipulation and Proposal for Settlement ("Stipulation I") on the original complaint and Board Order of January 5, 1989 accepting Stipulation I. Hearing on the original complaint was held on November 29, 1988.

On January 5, 1989, the Board found Stipulation I on the original complaint acceptable under 35 Ill. Adm. Code 103.180 and dismissed the docket. The Board noted that Stipulation I contained a force majeure clause which allowed for the Board "to remain the entity to resolve any possible future disputes".

The Board grants the motion to reopen this docket. Stipulation II sets forth Sours' admission of violations of Stipulation I, and sets forth the facts pertaining to the nature, operations, and circumstances surrounding the violation. Sours agrees to pay a penalty of \$1,000.00. Stipulation II further states that upon inspection, Sours had ceased the alleged violations and was subsequently issued an operating permit.

The Board finds Stipulation II acceptable under 35 Ill. Adm. Code 103.180. Stipulation II in no way affects Sours' responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control regulations. Stipulation II is incorporated by reference as though fully set forth herein.

Sours shall pay the sum of \$1000.00 within 21 days of the date of this Order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund, and shall be sent by First Class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276


Sours shall also write its Federal Employer Identification Number or Social Security Number on the certified check or money order.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

Board Member J.T. Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 7th day of February, 1991, by a vote of 5-1.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board