

ILLINOIS POLLUTION CONTROL BOARD
January 5, 1989

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	PCB 86-104
)	
SOURS GRAIN COMPANY, an Illinois Corporation,)	
)	
Respondent.)	

JAMES L. MORGAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF COMPLAINANT;

ROY M. HARSCH, OF GARDNER, CARTON & DOUGLAS, APPEARED ON BEHALF OF RESPONDENT.

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

This matter comes before the Board upon a three-count complaint filed July 16, 1986. Hearing was held November 29, 1988, at which time a signed Stipulation and Proposal for Settlement ("Stipulation") was submitted by the parties for acceptance by the Board.

On December 15, 1988, the Board noted certain inconsistencies within the Stipulation and by Interim Order, asked the parties to correct the inconsistencies and to clarify the parties' intent regarding the Board's future role. Sours Grain Company ("Sours") filed a document entitled Joint Response to Board Order and proposed language changes to correct the inconsistencies. Sours further proposed certain alterations of paragraph B1 of the force majeure clause, deleting language which would have required the Board to leave the docket open and adding language allowing the Board to remain the entity to resolve any possible future disputes. Sours states that the complainant has authorized counsel for Sours to represent its concurrence in this response.

The Stipulation as amended by the Joint Response to Board Order addresses the facts and proposed terms for settlement in this matter. The Board has considered all the facts, circumstances, and the proposed settlement in light of the criteria set forth at Ill. Rev. Stat. ch. 111 1/2 par. 1033(c) and finds the Stipulation acceptable under 35 Ill. Adm. Code 103.180.

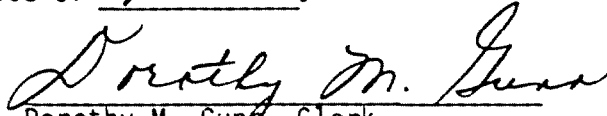
This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

The Board hereby accepts the Stipulation and Proposal for Settlement as amended and dismisses this docket.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 5~~4~~ day of January, 1989, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board