

ILLINOIS POLLUTION CONTROL BOARD

June 6, 2002

|                                  |   |                       |
|----------------------------------|---|-----------------------|
| PEOPLE OF THE STATE OF ILLINOIS, | ) |                       |
|                                  | ) |                       |
| Complainant,                     | ) |                       |
|                                  | ) |                       |
| v.                               | ) | PCB 02-08             |
|                                  | ) | (Enforcement – Water) |
| ROYSTER-CLARK, Inc.,             | ) |                       |
|                                  | ) |                       |
| Respondent.                      | ) |                       |

ORDER OF THE BOARD (by S.T. Lawton, Jr.):

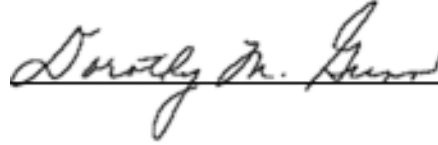
On July 23, 2001, the Office of the Attorney General, on behalf of the People of the State of Illinois (People) filed a four-count complaint against Royster-Clark. See 415 ILCS 5/42(d), (e) (2000). The People alleged that respondent violated Sections 12(a) and (f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), (f) (2000)); and Sections 304.125(a), and 304.141(a), 306.102(a) and (b) of the Board's regulations (35 Ill. Adm. Code 304.125(a), 304.141(a), 306.102(a), (b)). The People further alleged that respondents violated these provisions by: causing, threatening, or allowing water pollution; violating general effluent standards and National Pollutant Discharge Elimination Standards (NPDES); and causing an operational violation. The complaint concerns the discharge of anhydrous ammonia from the respondent's facility at 2100 East Broadway, Marseilles, LaSalle County.

On May 28, 2002, the People and Royster-Clark filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2000)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000)). See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Royster-Clark does not affirmatively admit the alleged violations in the complaint and agrees to pay a civil penalty of \$30,000.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. 415 ILCS 5/31(c)(2) (2000); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 6, 2002, by a vote of 7-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board