

ILLINOIS POLLUTION CONTROL BOARD  
August 20, 1987

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

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

MR. WAYNE L. BICKES, ROSENBERG, ROSENBERG, BICKES, JOHNSON AND RICHARDSON, APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon a seven-count Complaint filed on October 3, 1983, by the Illinois Environmental Protection Agency (Agency) alleging certain violations of the Illinois Environmental Protection Act (Act) and Board regulations by Archer Daniels Midland Company (ADM). Hearing was held June 15, 1987, at which the parties submitted an unsigned Stipulation and Proposal for Settlement. The parties filed the signed Stipulation and Proposal for Settlement on August 5, 1987.

ADM owns and operates a facility located at 4666 Farris Parkway in Decatur, Macon County, Illinois. The facility, commonly referred to as the "East Plant", consists of a soybean oil refinery, a corn sweetener plant, a grain-milling and alcohol-refining plant, and associated buildings and transportation network. On August 29, 1980, the Agency issued NPDES Permit No. IL0061425 ("1980 Permit") covering certain discharges from the East Plant. The 1980 permit authorized ADM to discharge effluent at four discharge points. Discharge point 001 is approximately a 48" diameter concrete storm sewer located just north of the corn sweetener plant which discharges storm water runoff into the north branch of the Farris Park Creek. Discharge point 002 is approximately a 12" diameter tile located just north of the former site of a now dismantled wooden cooling tower which discharges storm water runoff into the north branch of Farris Park Creek. Discharge point 003 is a pipe located south and west of the syrup plant which discharges into an unnamed stream tributary to Lake Decatur. Discharge point 004 is approximately a 36" diameter tile originating just east of the ADM corporate office parking lot which discharges storm water runoff into the south branch of the Farris Park Creek.

The 1980 Permit contained conditions establishing 30 day average effluent limitations of 10/12 mg/l for BOD/TSS and daily maximum effluent limitations of 20/25 mg/l for BOD/TSS for all four discharge points. In addition, the 1980 Permit imposed a daily maximum effluent limitation of 2.0 mg/l for total Iron for discharge point 003. Discharge points 002 and 004 were also required to comply with the dissolved oxygen water quality limitations of 6 mg/l and to maintain a pH in the range of 6.0 to 9.0.

The Agency's seven-count Complaint alleged numerous violations of Section 12(a) and 12(f) of the Act and of various sections of the Board's Water Pollution Control regulations. In summary, the Agency has alleged that ADM has, on various occasions, discharged effluent containing contaminants in concentrations exceeding those established by Permit No. IL0061425 and by Board regulations. In addition, the Agency alleged that ADM failed to submit Discharge Monitoring Reports for all of the discharge points, and failed to notify the Agency within five days after it became aware that it had discharged effluent containing contaminants in excess of allowable limits. Finally, the Agency alleged that on various dates ADM's discharge contained settleable solids, floating debris, visible solids, obvious color, odor and/or turbidity.

The proposed settlement agreement provides that ADM agrees to pay a \$10,000 penalty to the Environmental Protection Trust Fund within thirty (30) days of the date of this Board Order. However, ADM neither admits nor denies violation of the Act or regulations in question. ADM also agrees that Lynch Engineering, Inc. will conduct a comprehensive engineering study to identify any potential sources which may contribute to the violations alleged in the Complaint and to develop appropriate remedial measures. This study is to be completed within ninety (90) days of this Order, weather conditions reasonably permitting. Although not clearly articulated in the Stipulation and Proposal to Settlement, the Board assumes that, upon its receipt, ADM will immediately submit a copy of the engineering study to the Agency for its review. Based upon this engineering study and within seventy-five (75) days from submission of the engineering study to the Agency, ADM agrees to submit a proposed compliance plan and schedule to the Agency for its approval. The Board notes that the settlement agreement is silent on what is to occur in the event that 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. Upon receipt of Agency approval, ADM will implement the proposed compliance plan. ADM also agrees to submit to the Agency all discharge monitoring reports, and any other similar data, that it may have in its possession for the East Plant from January 1, 1982 to the present. And henceforth, ADM agrees to

submit all discharge monitoring reports as required by its NPDES Permit.

In evaluating this enforcement action and proposed settlement agreement, the Board has taken into consideration all the facts and circumstances in light of the criteria set forth in Section 33(c) of the Act and finds the proposed settlement agreement acceptable under 35 Ill. Adm. Code 103.180. Accordingly, the Board will order ADM to pay the stipulated penalty of \$10,000 into the Illinois Environmental Protection Trust Fund as agreed upon, and will order ADM to follow the settlement agreement as set forth in the following Order.

This Opinions constitutes the Board's finding of facts and conclusions of law in this matter.

ORDER

It is the Order of the Illinois Pollution Control Board that:

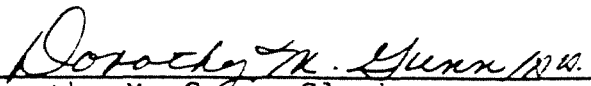
1. Within 30 days of the date of this Order, the Respondent, Archer Daniels Midland Company, shall, by certified check or money order payable to the State of Illinois and designated for deposit into the Environmental Trust Fund, pay the stipulated penalty of \$10,000 which is to be sent to:

Manager, Fiscal Services Section  
Illinois Environmental Protection Agency  
2200 Churchill Road  
Springfield, IL 62706

2. Archer Daniels Midland Company shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed August 5, 1987, which is attached hereto and incorporated as if fully set forth herein.

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 20<sup>th</sup> day of August, 1987 by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board