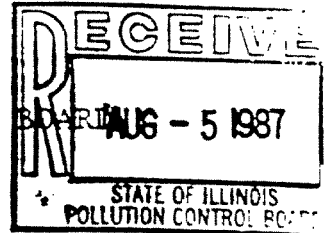


BEFORE THE ILLINOIS POLLUTION CONTROL BOARD



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
-vs- )  
 )  
ARCHER DANIELS MIDLAND COMPANY, )  
 )  
Respondent. )

PCB 83-150

STIPULATION AND PROPOSAL FOR SETTLEMENT

Pursuant to 35 Ill. Adm. Code 103.180, the following Stipulation and Proposal for Settlement entered into between complainant, Illinois Environmental Protection Agency (hereinafter "Agency"), the respondent, Archer Daniels Midland Company (hereinafter "ADM"), is set out for the purpose of approval of the proposals hereinafter set forth. It is expressly understood and agreed by and between ADM, the Attorney General and the Agency that the agreements, plans, stipulations and statements herein contained are not binding on the parties and shall be deemed null and void and held for naught, in the event such approval is not obtained, or in the event additional terms or conditions which are unacceptable to the parties are imposed. This Stipulation and Proposal for Settlement is made for the purpose of settlement only and putting an end to litigation, and neither the fact that a party has entered into this Stipulation and Proposal for Settlement nor any of the facts stipulated herein, shall be introduced into evidence or construed as an admission in any other proceedings conducted outside of the jurisdiction of the

Illinois Pollution Control Board. Subject to the foregoing understanding and agreement, it is further agreed as follows:

STIPULATION OF FACTS

1. ADM is a Delaware corporation duly authorized to conduct business in Illinois.

2. ADM owns and operates a facility located at 4666 Faries 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, and a grain-milling and alcohol-refining plant and associated buildings and a transportation network.

3. On August 29, 1980 the Agency issued ADM NPDES permit No. IL0061425 (the "1980 permit") covering certain discharges from the East Plant. The 1980 permit authorized ADM to discharge effluent at four different points.

- a) Discharge Point 001: approximately a 48" diameter concrete storm sewer located just north of the corn sweetener plant and which discharges storm water runoff into the north branch of Faries Park Creek;
- b) Discharge Point 002: approximately a 12" diameter tile located just north of the former site of a now-dismantled wooden cooling tower and which discharges storm water runoff into the north branch of Faries Park Creek;
- c) Discharge Point 003: a pipe located south and west of the syrup plant and which discharges into

an unnamed stream tributary to Lake Decatur; and  
 d) Discharge Point 004: approximately a 36" diameter tile originating just east of the ADM corporate office parking lot and which discharges storm water runoff into the south branch of Faries Park Creek.

4. The 1980 Permit contained conditions establishing the following effluent limitations:

Discharge No. 001:

<u>Parameter</u>	<u>CONCENTRATION LIMITS (mg/l)</u>	
	<u>30 Day Avg.</u>	<u>Daily Max</u>
BOD	10	20
TSS	12	25

Discharge Nos. 002 and 004:

<u>Parameter</u>	<u>CONCENTRATION LIMITS (mg/l)</u>	
	<u>30 Day Avg.</u>	<u>Daily Max</u>
BOD	10	20
TSS	12	25
Dissolved oxygen Oxygen	Discharges shall not cause a violation of the dissolved water quality limitations of 6 mg/l.	
pH	The pH shall be in the range of 6.0 to 9.0.	

Discharge No. 003:

<u>Parameter</u>	<u>CONCENTRATION LIMITS (mg/l)</u>	
	<u>30 Day Avg.</u>	<u>Daily Max</u>
BOD	10	20
Iron, total	--	2.0
TSS	12	25

5. On February 24, 1986 Permit No. IL0061425 was reissued. The new permit deleted the dissolved oxygen effluent limitation for discharges 002 and 004 and increased the daily maximum for iron of Discharge No. 003 to 4.0 mg/l and imposed a 2.0 mg/l 30-day average limitation.

6. The Agency has alleged that on various occasions, raw and/or processed materials have been spilled at the East Plant and that storm water runoff passing over these materials has contributed to discharges of effluent from the East Plant which contained contaminants in concentrations exceeding those allowed by Permit No. IL0061425.

7. The Agency has alleged that a majority of the Discharge Monitoring Reports submitted by ADM to the Agency, reflected daily maximum levels of BOD5 or TSS in excess of permitted levels at one or more of the discharge points.

8. The Agency has alleged that on at least three occasions effluent discharged from outfall 004 had a pH of less than 6.0.

9. The Agency has alleged that during the period of October 3, 1980 to February 24, 1981, ADM discharged effluent from outfalls 002 and 004 which caused the dissolved oxygen concentrations of the waters of the north and south branches of Faries Park Creek to be less than 6.0 mg/l.

10. The Agency has alleged that during the period of January 1, 1982 to the present, ADM has failed to submit DMR's for any of the discharge points at the East Plant.

11. The Agency has alleged that ADM has failed to notify the Agency within five days after it became aware that it had

discharged effluent containing contaminants in excess of the levels set forth in its permits.

12. The Agency has alleged that ADM has failed to sample the effluent discharged from the East Plant on a composite basis.

13. The Agency has alleged that on July 11, 1984, May 21, 1984, April 23, 1984, March 15, 1984, May 23, 1983, March 1, 1982, July 7, 1981, October 31, 1980, May 16, 1980, April 25, 1980 and March 26, 1980, samples of effluent discharged from the East Plant collected by the Agency contained concentrations of BOD, TSS, and Iron more than five times in excess of 10 mg/l, 12 mg/l and 2.0 mg/l, respectively.

14. The Agency has alleged that on March 26, 1980, April 25, 1980, May 16, 1980, July 7, 1981 and March 1, 1982, discharges of effluent from the East Plant has caused the waters of the north and south branches of Faries Park Creek and the unnamed tributary to contain ammonia nitrogen concentrations in excess of 1.5 mg/l and to have foul, unnatural odors, unnatural color, and unnatural bottom deposits.

15. The Agency has alleged that on March 26, 1980, April 25, 1980, May 16, 1980, July 7, 1981 and March 1, 1982, ADM has discharged effluent from the East Plant which contained settleable solids, floating debris, visible solids, obvious color, odor, and/or turbidity.

#### PROPOSAL FOR SETTLEMENT

A. ADM neither admits nor denies the violations as alleged in the complaint.

B. On behalf of ADM, Lynch Engineering, Inc., will conduct a comprehensive engineering study, as outlined in the STORMWATER DISCHARGE STUDY attached hereto as Exhibit A, to identify any potential sources which may contribute to the violations alleged in the complaint and types of contaminants of the kind alleged in the complaint and to develop appropriate remedial measures. The engineering study shall be completed within 90 days of Board approval, weather conditions reasonably permitting.

C. ADM will submit to the Agency a proposed compliance plan and schedule based upon the engineering study within 75 days from its submission of the engineering study. Upon receipt of Agency approval, ADM will then implement the proposed compliance plan.


D. ADM has purchased and installed automatic continuous flow sampling devices to monitor discharge points 001, 002, 003, and 004, said installation taking place on or about December, 1986.

E. Within 30 days of approval of the Settlement Proposal, ADM shall submit to the Agency all discharge monitoring reports, and any other data that is of the type included in the DMR's, that it may have in its possession for the East Plant covering the period of January 1, 1982 to the present. Thereafter, ADM shall submit discharge monitoring reports as required under its NPDES permit.

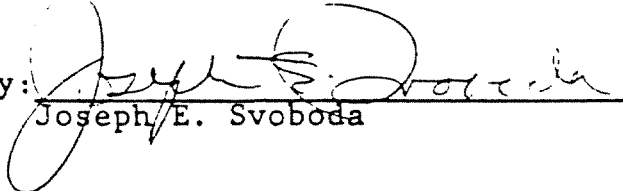
F. ADM neither admits nor denies that a penalty is proper but shall pay a penalty of \$10,000 into the Environmental Protection Trust Fund in consideration of full settlement of this

litigation and for any and all past violations of ADM's NPDES permit No. IL0061425, as amended and reissued, or the Illinois Environmental Protection Act, as amended (the "Act"), arising from the types of activities described in the Complaint to the date of this Agreement. The penalty shall be paid by check drawn to the "Environmental Protection Trust Fund" and submitted to the Manager, Fiscal Services Section, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706, within 30 days of the Board's approval of this Stipulation and Proposal for Settlement.

ARCHER DANIELS MIDLAND COMPANY

By:  SAR  
T. A. Duffield, Vice President

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By:   
Joseph E. Svoboda

NEIL F. HARTIGAN  
ATTORNEY GENERAL

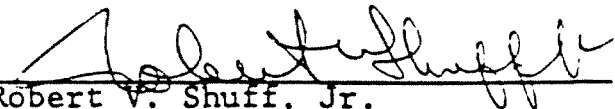
By:   
Robert V. Shuff, Jr.  
First Assistant Attorney General

EXHIBIT A  
ARCHER-DANIELS-MIDLAND COMPANY  
DECATUR EAST PLANT  
STORMWATER DISCHARGE STUDY

The ADM Decatur East Plant is a large corn and soybean processing facility located at the northeast corner of the city of Decatur, Illinois. The plant area east of the north-south road on the west side of the corn plant (the actual processing and grain handling area) is approximately 80 acres. Stormwater from this area discharges through four points which have been issued NPDES permits by the IEPA. There is also sheet runoff from this area. There are numerous catch basins, manholes, storm sewers, and roof drains throughout the area. The purpose of this study is to identify the water quality at all four discharge points and to identify any corrective action needed to bring the discharges into compliance. The following sampling program has been designed to identify potential problem areas:

Sampling and Analysis Program

The entire plant area will be divided into a number of drainage basins using as criteria areas which have similar pollution causing activities, such as parking lots and grain loading/unloading areas. A manhole or catch basin representative of each drainage basin would then be identified on each of three consecutive rainfall events; a grab sample would be collected of water entering the catch basins near the beginning and expected



middle of each rainfall and one hour after the end of each rainfall.

These samples would be analyzed for contaminants as an indicator of pollution loading. Rainfall amounts will be measured by an on site rain meter.

#### Alternative Control Measures

Both structural and non-structural controls will be considered. A specific control plan will be developed for each drainage area.