ILLINOIS POLLUTION CONTROL BOARD June 19, 2003

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
v.)	PCB 97-33
ARCHER DANIELS MIDLAND COMPANY	,) ,)	(Enforcement - Air)
a Delaware corporation,)	
Respondent.)	

ORDER OF THE BOARD (by G.T. Girard):

On August 16, 1996, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Archer Daniels Midland Company (Archer Daniels). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that Archer Daniels violated Section 12(a) and (d) of the Environmental Protection Act (Act) (415 ILCS 5/12(a)(b)(d) (2002)) and 35 Ill. Adm. Code 306.102(b), 620.115, 620.405, 620.410(b). The People further allege that Archer Daniels violated these provisions by polluting the water, creating a water pollution hazard, violating spill prevention requirements, and violating groundwater quality standards. The complaint concerns Archer Daniel's bulk storage facility located on Edmund Street, Peoria, Peoria County.

On June 9, 2003, the People and Archer Daniels 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) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). See 35 III. Adm. Code 103.300(a). Under the proposed stipulation, Archer Daniels neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$80,000.

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) (2002); 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 $19,\,2003$, by a vote of 6-0.

Dorothy M. Gunn, Clerk Illinois Pollution Control Board