

ILLINOIS POLLUTION CONTROL BOARD
December 6, 2007

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 96-143
)	(Enforcement – Water, Land)
MICHEL GRAIN COMPANY, INC., a/k/a)	
MICHEL FERTILIZER, an Illinois)	
corporation, CARLYLE MICHEL, RONNIE)	
TODD, and RONNIE TODD LAND TRUST,)	
)	
Respondents.)	

OPINION AND ORDER OF THE BOARD (by A.S. Moore):

On September 20, 2002, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a third amended complaint against Michel Grain Company, Inc., a/k/a Michel Fertilizer, and Carlyle Michel (collectively, Respondent Michel), and Ronnie Todd, and Ronnie Todd Land Trust (collectively, Respondent Todd). *See* 415 ILCS 5/31(c)(1) (2006); 35 Ill. Adm. Code 103.204. The People allege that Respondents violated Sections 12(a), 12(d), and 21(d)(2) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), 12(d), 21(d)(2) (2006)) and Sections 302.203, 304.106, 306.102(b), and 808.121 of the Board’s regulations (35 Ill. Adm. Code 302.203, 304.106, 306.102(b), 808.121). The People further allege that Respondents violated these provisions by causing, threatening, or allowing the discharge of contaminants so as to cause or tend to cause water pollution; by depositing contaminants on the land so as to create a water pollution hazard; by causing or allowing the discharge of contaminants resulting in obvious unnatural color and unnatural bottom deposit residuals; and by unlawfully disposing of waste. The complaint concerns Respondents’ two facilities: one located in the eastern portion of the Village of Ina, Jefferson County, and the other adjacent to Illinois Route 142 in Block 35 of the Village of Broughton, Hamilton County.

On October 22, 2007, the People and Respondents 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) (2006)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2006)). *See* 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Mt. Vernon Register-News* on October 23, 2007, and in the *Times-Leader* of McLeansboro on October 25, 2007. The Board did not receive any requests for hearing. The Board grants the parties’ request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2006); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board’s procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include

stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Respondents' operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2006)). The People and Respondents have satisfied Section 103.302. Respondent Michel does not affirmatively admit the violations alleged in the third amended complaint and Respondents Todd denies violating the Act. Also under the proposed stipulation, Respondent Michel agrees to pay a civil penalty of \$5,000. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Respondent Michel must pay a civil penalty of \$5,000 no later than Monday, January 7, 2008, which is the first business day after the 30th day after the date of this order. Respondent Michel must pay the civil penalty by certified check, money order, or wire transfer payable to the Illinois Environmental Protection Trust Fund. The case number, case name, and Respondent Michel's social security number must be included on the certified check or money order.

3. Respondent Michel must send the certified check or money order to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

4. A copy of the certified check or money order and the transmittal letter shall be sent to:

Phillip McQuillan
Assistant Attorney General
Environmental Bureau
500 South Second Street
Springfield, IL 62702

and

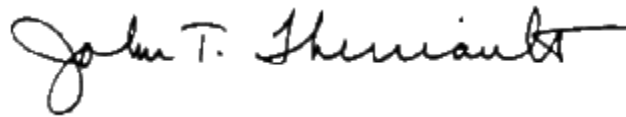
Charles Gunnarson
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, IL 62794-9276

5. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2006)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2006)).
6. Respondents must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2006); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on December 6, 2007, by a vote of 4-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board