ILLINOIS POLLUTION CONTROL BOARD January 21, 2016

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,))	
V.)	PCB 16-72
BUNGE NORTH AMERICA, INC.)	(Enforcement - Land)
Respondent.)	

ORDER OF THE BOARD (by C.K. Zalewski):

On December 23, 2015, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Bunge North America, Inc. (Bunge). The complaint concerns soybean processing wastes allegedly dumped at a facility owned by Bunge at 203 24th Street, Cairo, Alexander County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2014)), the Attorney General may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2014); 35 Ill. Adm. Code 103. In this case, the People allege that Bunge violated Section 21(a) of the Act (415 ILCS 5/21(a) (2014)) and Sections 808.121(a), 808.121(b), 808.122, and 809.301 of the Board's waste disposal regulations (35 Ill. Adm. Code 808.121(a), 808.121(b), 808.122, 809.301), by open dumping waste at a site not permitted as a landfill, generating waste and failing to determine the waste was special waste, failing to prepare a manifest prior to shipment of special waste, delivering special waste to a transporter unaccompanied by a manifest, and delivering special waste to a transporter without a special waste hauling permit. The Board finds that the complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

Simultaneously with the People's complaint, the People and Bunge 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) (2014)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2014)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Bunge does not affirmatively admit to the alleged violations but agrees to pay a civil penalty of \$15,000.

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. *See* 415 ILCS 5/31(c)(2) (2014); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 21, 2016, by a vote of 5-0.

In T. Therian

John T. Therriault, Clerk Illinois Pollution Control Board