

ILLINOIS POLLUTION CONTROL BOARD
November 1, 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.)

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' facilities, which are located in the eastern portion of the Village of Ina, Jefferson County, and adjacent to Illinois Route 142 in Block 35 of the Village of Broughton, Hamilton County.

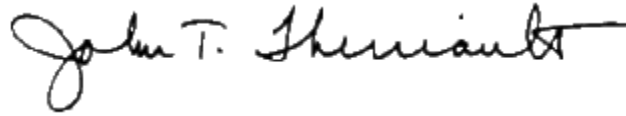
On October 22, 2007, the People and Respondents filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2006)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2006)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, 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.

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) (2006); 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, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 1, 2007, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board