

ILLINOIS POLLUTION CONTROL BOARD  
August 9, 2012

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 13-9  
) (Enforcement - Land)  
AMERICAN GRAIN, LLC, an Illinois limited )  
liability company and ENVIRONMENTAL )  
OPERATIONS, INC., a Missouri corporation, )  
)  
Respondents. )

ORDER OF THE BOARD (T.A. Holbrook):

On August 3, 2012, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against American Grain, LLC, an Illinois limited liability company (American Grain) and Environmental Operations, Inc., a Missouri corporation (EOI) (collectively, respondents). The complaint concerns the dumping of general construction and demolition debris allegedly performed by EOI at American Grain's feed manufacturing plant located at 1 Cargill Road, Cahokia, St. Clair County. Accompanying the complaint were two separate stipulations and proposals for settlement, and a 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 stipulations, proposed settlements, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that respondents violated Sections 21(a), (d)(1), (e), (p)(1), and (p)(7) of the Act (415 ILCS 5/21(a), (d)(1), (e), (p)(1), (p)(7) (2010)) by: (1) causing or allowing open dumping at the site (count I); (2) causing or allowing open dumping of waste which resulted in litter (count II); (3) causing or allowing open dumping of waste which resulted in the deposition of general construction or demolition debris (count III); (4) disposing waste or transporting any waste into this State for disposal at a site which does not meet the requirements of the Act (count IV); and (5) conducting a waste disposal operation without a permit (count V). 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).

On August 3, 2012, simultaneously with the People's complaint, the parties filed two separate stipulations and proposals for 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), 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, American Grain does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$12,000.00. American Grain also agrees to perform a supplemental environmental project through which it will pay \$2,000 to St. Clair County Special Services “to fund supplies and services for the St. Clair County hazardous materials team.” Under the second proposed stipulation, EOI does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$14,000.00.

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) (2010); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 9, 2012, by a vote of 5-0.



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John Therriault, Assistant Clerk  
Illinois Pollution Control Board