

ILLINOIS POLLUTION CONTROL BOARD
July 11, 1991

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
)	
Complainant,)	
)	
v.)	PCB 91-19
)	(Enforcement)
)	
SUN AG, INC., an Illinois)	
Corporation,)	
)	
)	
Respondent.)	

JAMES L. MORGAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

OPINION AND ORDER OF THE BOARD (by J. Anderson):

This matter comes before the Board upon a complaint filed January 29, 1991 on behalf of the People of the State of Illinois ("People"), by and through its attorney, Roland W. Burris, Attorney General of the State of Illinois, against Sun Ag, Inc., located in El Paso, Woodford County, Illinois. The complaint alleges that Sun Ag has violated Section 12(a) and (f) of the Illinois Environmental Protection Act ("Act"), Ill. Rev. Stat. 1989, ch. 111½, pars. 1001, et. seq. and 35 Ill. Adm. Code 302.203, 302.208, 302.212, 304.105, 304.106, 304.141(b) and 309.102 of the Board's rules and regulations.

Hearing on this matter was held June 25, 1991 in Eureka, Woodford County. At hearing, the parties submitted a Stipulation and Settlement Agreement, executed by the parties. The Stipulation sets forth facts pertaining to the nature, operations, and circumstances surrounding the claimed violations. Sun Ag admits to past violations of Section 12(a) and (f) of the Act and 35 Ill. Adm. Code 302.203, 302.208, 302.212, 304.105, 305.106, 304.141(b) and 309.102 and agrees to pay a civil penalty of twenty thousand dollars (\$20,000). In addition, Sun Ag will pay one thousand two hundred eighteen dollars and five cents (\$1,218.05) into the Fish and Wildlife Fund for the fishkill associated with this spill. Sun Ag further agrees to cease and desist from the alleged violations.

The Board finds the Settlement Agreement acceptable under 35 Ill. Adm. Code 103.180. This Settlement Agreement in no way

affects respondent's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control regulations.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

- 1.) The Board hereby accepts the Stipulation and Settlement Agreement executed by the People of the State of Illinois and Sun Ag, Inc., concerning violations of Section 12(a) and (f) of the Act and 35 Ill. Adm. Code Sections 302.203, 302.208, 302.212, 304.105, 304.106, 304.141(b) and 309.102 by Sun Ag's operations located in El Paso, Woodford County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2.) Sun Ag, Inc. shall pay the sum of twenty thousand dollars (\$20,000) within 30 days of the date of this Order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund, and shall be sent by First Class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

Sun Ag, Inc. shall also write its Federal Employer Identification Number or Social Security Number on the certified check or money order.

- 3.) Sun Ag, Inc. shall pay the sum of one thousand two-hundred eighteen dollars and five cents (\$1,218.05) within 21 days of the date of this Order. Such payment shall be made by certified or cashier's check payable to the Treasurer of the State of Illinois designated to the Fish and Wildlife Fund and shall be sent by First Class mail to:

Renee Stadell
Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, IL 62794-9276

Sun Ag, Inc. shall also write its Federal Employer

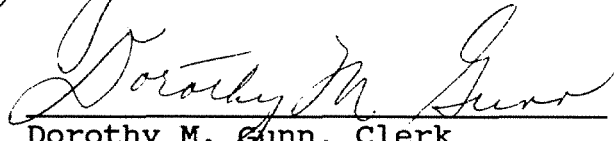
Identification Number or Social Security Number on the certified check or money order.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1987, ch. 111½, par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

J. Theodore Meyer dissented and J.D. Dumelle concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 11th day of July, 1991, by a vote of 6-1.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board