

ILLINOIS POLLUTION CONTROL BOARD
February 9, 1995

PEOPLE OF THE STATE)	
OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 95-5
)	(Enforcement-Air)
MIDWEST GRAIN PRODUCTS)	
OF ILLINOIS, INC.,)	
a Illinois corporation,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD:

This matter comes before the Board upon a three-count complaint filed January 6, 1995, by the Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, against Midwest Grain Products Of Illinois, Inc. (Midwest), an Illinois corporation located at South Front Street, Box 1069, in the City of Pekin, Tazewell County, Illinois. The complaint alleges that Midwest has violated Sections 9(a), 9(b) and 9.1(d)(1) of the Illinois Environmental Protection Act (Act), 415 ILCS 5/9(a), 5/9(b), 5/9.1(d)(1), 40 C.F.R. 52.21(j)(2), (r)(1) and 35 Ill. Adm. Code 201.141 by causing or allowing air pollution, for violation of its permit condition, and for failure to the achieve best available control technology (BACT).

Pursuant to 415 ILCS 5/31(a)(2), the parties filed a joint Motion requesting relief from the Act's hearing requirement on January 6, 1995. The Board published a notice of the waiver on January 13, 1995; no objection to granting of the waiver was received. Waiver of hearing is hereby granted.

The parties filed a Stipulation and Settlement Agreement on January 6, 1995. The Stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Midwest neither admits nor denies the alleged violations and agrees to pay a civil penalty of fifteen thousand dollars (\$15,000.00).

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 Midwest Grain Products Of Illinois, Inc., an Illinois corporation located at South Front Street, Box 1069, in the City of Pekin, Tazewell County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) Midwest shall pay the civil penalty of fifteen thousand dollars (\$15,000.00) 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

The certified check or money order shall clearly indicate on its face Midwest's Federal Employer Identification Number 48-0911013 and that payment is directed to the Environmental Protection Trust Fund.

A copy of the check shall be sent to:

Zemehert Bereket-Ab
Assistant Attorney General
Environmental Control Division
100 W. Randolph St., 12th Floor
Chicago, Illinois 60601

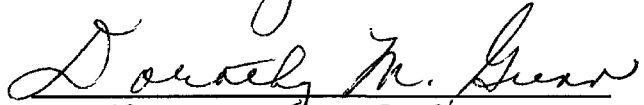
Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

- 3) Midwest shall permanently shut down the fluidized bed combustion boiler by the end of calendar 1994.
- 4) Midwest shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41) provides for the appeal of final Board orders within 35 days of the date of service of this order. (See also 35 Ill. Adm. Code 101.246, Motion for Reconsideration.)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 9th day of February, 1995, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board