## ILLINOIS POLLUTION CONTROL BOARD June 19, 2003

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 95-180
	)	(Enforcement - Air)
ARCHER DANIELS MIDLAND COMPAN	Y,)	
a Delaware corporation,	)	
-	)	
Respondent.	)	

ORDER OF THE BOARD (by G.T. Girard):

On June 22, 1995, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Archer Daniels Midland Company (Archer Daniels). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that Archer Daniels violated Sections 9(a), (b) and 9.1(d) of the Environmental Protection Act (Act) (415 ILCS 5/4 (2002)) and 35 Ill. Adm. Code 201.142 and 201.143. The People further allege that Archer Daniels violated these provisions by constructing and operating a plant without a permit, and violating performance and emission standards. The complaint concerns Archer Daniel's complex and physical plant in Decatur, Macon County.

On June 9, 2003, the People and Archer Daniels 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) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Archer Daniels denies the alleged violations and agrees to pay a civil penalty of \$160,000.

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) (2002); 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, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 19, 2003, by a vote of 6-0.

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Dorothy M. Gunn, Clerk Illinois Pollution Control Board