

ILLINOIS POLLUTION CONTROL BOARD

August 7, 2003

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 97-33
)	(Enforcement - Air)
ARCHER DANIELS MIDLAND COMPANY,)	
a Delaware corporation,)	
)	
Respondent.)	

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

On August 16, 1996, 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 (ADM). See 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that ADM violated Section 12(a) and (d) of the Environmental Protection Act (Act) (415 ILCS 5/12(a)(b)(d) (2002)) and 35 Ill. Adm. Code 306.102(b), 620.115, 620.405, 620.410(b). The People further allege that ADM violated these provisions by polluting the water, creating a water pollution hazard, violating spill prevention requirements, and violating groundwater quality standards. The complaint concerns Archer Daniel's bulk storage facility located in Peoria, Peoria County.

On June 9, 2003, the People and ADM 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). The Board published notice of the stipulation, proposed settlement, and request for relief in the *Peoria Journal Star* on June 25, 2003. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. See 415 ILCS 5/31(c)(2) (2002); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of ADM's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2002)). The People and ADM have satisfied Section 103.302. ADM neither admits nor denies the alleged violation(s) and agrees to pay a civil penalty of \$80,000. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

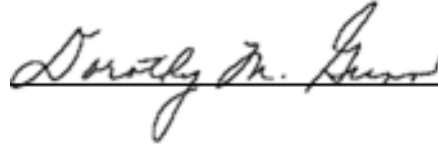
1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. ADM must pay a total civil penalty of \$80,000. ADM must pay \$80,000 no later than September 8, 2003 (which is the 30th day after the date of this order). ADM must pay the civil penalty by certified check or money order, payable to the Environmental Protection Trust Fund. The case number, case name, and ADM's social security number or federal employer identification number must be included on the certified check or money order.
3. ADM must send the certified check or money order to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2002) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2002)).
5. ADM must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2002); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on August 7, 2003, by a vote of 7-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board