ILLINOIS POLLUTION CONTROL BOARD August 7, 2003

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
V.)
)
ATKINSON GRAIN & FERTILIZER, INC., a	i)
Delaware corporation,)
)
Respondent.)

PCB 04-15 (Enforcement - Water)

ORDER OF THE BOARD (by T.E. Johnson):

On July 30, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Atkinson Grain & Fertilizer, Inc. (Atkinson). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. At issue is the People's allegation that Atkinson violated Section 12(a), (d), and (f) of the Environmental Protection Act (415 ILCS 5/12(a), (d), and (f) (2002)) and 35 Ill. Adm. Code 302.203, 302.208(g), 302.212(a), and 309.102(a). The People further allege that Atkinson violated these provisions by threatening or allowing the discharge of contaminants into the waters of the State so as to cause or tend to cause water pollution; by discharging contaminants on land so as to create a water pollution hazard; by causing or allowing a violation of water quality standards; and by causing, threatening, or allowing the discharge of contaminants without a National Pollutant Discharge Elimination System permit. The complaint concerns a shipment of liquid fertilizer from Atkinson Grain & Fertilizer's wholesale agricultural chemical and fertilizer mixing and distribution facility that spilled in transit at the intersection of U.S. Route 6 and Spring Street, in Atkinson, Henry County.

The Board accepts the complaint for hearing. *See* 35 Ill. Adm. Code 103.212(c). A respondent's failure to file an answer to a complaint within 60 days after receiving the complaint may have severe consequences. Generally, if Atkinson fails within that timeframe to file an answer specifically denying, or asserting insufficient knowledge to form a belief of, a material allegation in the complaint, the Board will consider Atkinson to have admitted the allegation. 35 Ill. Adm. Code 103.204(d). The Board directs the hearing officer to proceed expeditiously to hearing.

IT IS SO ORDERED.

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

Dorothy Mr. Hund

Dorothy M. Gunn, Clerk Illinois Pollution Control Board