

ILLINOIS POLLUTION CONTROL BOARD

December 7, 2006

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 97-179
)	(Enforcement – Air)
MIDWEST GRAIN PRODUCTS OF)	
ILLINOIS, INC., an Illinois corporation,)	
)	
Respondent.)	

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

On April 7, 1997, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Midwest Grain Products of Illinois, Inc., an Illinois corporation (Midwest) (415 ILCS 5/31(c)(1) (2004)); 35 Ill. Adm. Code 103.204. The complaint concerns a Midwest facility located at South Front Street and Distillery, Pekin, Tazwell County, that produces ethyl alcohol for beverages and industrial purposes, anhydrous fuel alcohol, wheat gluten and distiller's feed.

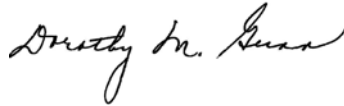
In the complaint, the People allege that Midwest violated Section 9(a) and (b), and 9.1 (d) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/9(a),(b), and 9.1(d) (2004)); Section 165 of the Clean Air Act, 40 C.F.R 52.210); 35 Ill. Adm. Code 201.141 and 201.143; and Permit Condition 1 b(1) of Construction Permit #93020061 and Standard Condition 3 of Construction Permit #93020061 and Construction Permit #93080045. The People further allege that Midwest violated these provisions by: (1) by failing to conduct the requisite best available control technology (BACT) analysis, install BACT level control, and apply for and obtain a construction permit prior to constructing two feed dryers resulting in a major modification at a major stationary source; (2) by discharging into the environment emissions in excess of permitted emission limitations; (3) by failing to operate the secondary scrubbers and failing to modify its construction permit; (4) by operating feed dryers #651 and #661 in excess of permitted emission limitations, and by continuing to operate the same dryers without secondary scrubbers; and (5) by operating dryer #651 and dryer #661 without first obtaining an operating permit issued by the Illinois Environmental Protection Agency (Agency).

On November 16, 2006, the People and Midwest 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) (2004). These filings are authorized by Section 31(c)(2) of the Act. 415 ILCS 5/31(c)(2) (2004). See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Midwest does not affirmatively admit the violations alleged in the complaint, but agrees to pay a civil penalty of \$200,000, and contribute \$300,000 to the Agency's Special Projects Fund.

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) (2004); 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 December 7, 2006, by a vote of 4-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board