

ILLINOIS POLLUTION CONTROL BOARD

July 11, 2002

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 02-8
)	(Enforcement – Water)
ROYSTER-CLARK, INC., a Delaware)	
corporation,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by C.A. Manning):

On July 23, 2001, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Royster-Clark, Inc. (Royster-Clark). See 415 ILCS 5/31.1(c) (2000); 35 Ill. Adm. Code 108.202(c). The People allege that Royster-Clark violated Sections 12(a) and (f) of the Environmental Protection Act (415 ILCS 5/12(a), (f) (2000)) and the Board's water pollution regulations. The People further allege that Royster-Clark violated these provisions by discharging anhydrous ammonia in excess of its National Pollutant Discharge Elimination System permit limits into the Illinois River at its distribution facility located at 2100 East Broadway, Marseilles, LaSalle County.

On May 28, 2002, the People and Royster-Clark 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) (2000)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000)). See 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Daily Times* on May 31, 2002. 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) (2000); 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 Royster-Clark'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) (2000)). The People and Royster-Clark have satisfied Section 103.302. Royster-Clark does not affirmatively admit the alleged violation, but agrees to pay a civil penalty of \$30,000. The Board accepts the stipulation and proposed settlement.

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

ORDER

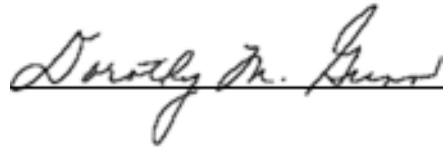
1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Royster-Clark, Inc. (Royster-Clark) must pay a civil penalty of \$30,000 no later than August 5, 2002, which is the 30th day after the date of this order. Royster-Clark must pay the civil penalty by certified check or money order, payable to the Environmental Protection Trust Fund. The case number, case name, and Royster-Clark's social security number or federal employer identification number must be included on the certified check or money order.
3. Royster-Clark 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) (2000)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000)).
5. Royster-Clark 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) (2000); *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 July 11, 2002, by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board