

**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**

In re:

Archer Daniels Midland Company  
Decatur, Illinois  
Facility CCS#2

Underground Injection Control (UIC)  
Permit No. IL-115-6A-0001

Appeal No: UIC 14-72

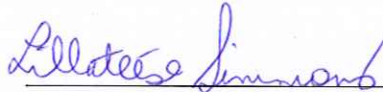
**DECLARATION OF LILLATEESE SIMMONS**

1. I, Lillateese Simmons, am employed with the United States Environmental Protection Agency, Region 5, in the Underground Injection Control Branch, Water Division, as an Environmental Scientist.
2. On September 24, 2014, I mailed, by Certified U.S. Mail with Return Receipt Requested, a letter dated September 23, 2014, and signed by Tinka G. Hyde, Director of the Water Division, to Mr. Jeffrey Sprague of the following address: P.O. Box 442, Argenta, Illinois 62501.
3. Attached to this Declaration is a copy of the letter I mailed. Although the letter bears no date stamp or signature, I can attest to the fact that the attached letter accurately reflects the contents of the original letter I mailed on September 24, 2014.

4. Attached to this Declaration is a copy of the U.S. Postal Service Certified Mail Receipt indicating the postmark, September 24, 2014, of the letter I mailed, referenced in paragraph 2, and a copy of the Green Card Receipt indicating Mr. Sprague received the letter on September 26, 2014.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed this 7<sup>th</sup> day of November, 2014.

  
\_\_\_\_\_  
Lillateese Simmons



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:  
WU-16J

**CERTIFIED MAIL 7011 1150 0000 2642 9102**  
**RETURN RECEIPT REQUESTED**

Jeffrey Sprague  
P.O. Box 442  
Argenta, Illinois 62501

**RE: Final Permit for the Archer Daniels Midland Company Well in Macon County,  
Illinois; U.S. Environmental Protection Agency Permit Number IL-115-6A-0001**

Dear Mr. Sprague:

On April 16, 2014, the U.S. Environmental Protection Agency notified the public of the opportunity to comment on draft permit number IL-115-6A-0001. EPA held a public hearing on the draft permit on May 21, 2014. The public comment period ended on May 30, 2014. EPA received a number of comments on the draft permit.

EPA has reviewed the comments. The enclosed Response to Comments for Draft Class VI Permit Issued to Archer Daniels Midland (ADM) (Response) details the comments received and EPA's response to each comment. EPA has made changes to the permit based upon certain of these comments. The comments did not raise significant issues to modify EPA's determination that the permit application and draft permit meet federal Underground Injection Control (UIC) requirements.

This action constitutes issuance of a UIC Class VI permit. Unless this permit decision is appealed to the Environmental Appeals Board (EAB) as described below, the permit will become effective on \_\_\_\_\_. Provided there is no appeal, construction of the injection well will be authorized to commence on the effective date and in accordance with permit conditions.

In accordance with 40 C.F.R. § 124.19(a), any person who filed comments on the draft permit or participated in the public hearing may petition the EAB to review any condition of the final permit decision. Additionally, any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition the EAB for administrative review of any permit conditions set forth in the final permit decision, but only to the extent that those final permit conditions reflect changes from the proposed draft permit. Any petition shall identify the contested permit condition or other specific challenge to the permit decision and clearly set forth, with legal and factual support, petitioner's contentions for why the permit decision should be reviewed, as well as a demonstration that any issue raised in the petition was raised previously during the public comment period (to the extent required), if the permit issuer has responded to an issue previously raised, and



an explanation of why the permit issuer's response to comments was inadequate as required by 40 C.F.R. § 124.19(a)(4).

If you wish to request an administrative review, documents in EAB proceedings may be filed by mail (either through the U.S. Postal Service ("USPS") or a non-USPS carrier), hand-delivery, or electronically. The EAB does not accept notices of appeal, petitions for review, or briefs submitted by facsimile. All submissions in proceedings before the EAB may be filed electronically, subject to any appropriate conditions and limitations imposed by the EAB. To view the Board's Standing Orders concerning electronic filing, click on the "Standing Orders" link on the Board's website at [www.epa.gov/eab](http://www.epa.gov/eab). All documents that are sent through the USPS, except by USPS Express Mail, must be addressed to the EAB's mailing address, which is: Clerk of the Board, U.S. Environmental Protection Agency, Environmental Appeals Board, 1200 Pennsylvania Avenue, NW, Mail Code 1103M, Washington, D.C. 20460-0001. Documents that are hand-carried in person or that are delivered via courier or a non-USPS carrier such as UPS or Federal Express must be delivered to: Clerk of the Board, United States Environmental Protection Agency, Environmental Appeals Board, 1201 Constitution Avenue, NW, WJC East Building, Room 3334, Washington, D.C. 20004.

A petition for review of any condition of a UIC permit decision must be filed with the EAB within 30 days after EPA serves notice of the issuance of the final permit decision. 40 C.F.R. § 124.19(a)(3). When EPA serves the notice by mail, service is deemed to be completed when the notice is placed in the mail, not when it is received. However, to compensate for the delay caused by mailing, the 30-day deadline for filing a petition is extended by three days if the final permit decision being appealed was served on the petitioner by mail. 40 C.F.R. § 124.20(d). Petitions are deemed filed when they are received by the Clerk of the Board at the address specified for the appropriate method of delivery. 40 C.F.R. § 124.19(a)(3) and 40 C.F.R. § 124.19(i). The request will be timely if received within the time period described above. For this request to be valid, it must conform to the requirements of 40 C.F.R. § 124.19. A copy of these requirements is enclosed. The regulations are also available electronically at <http://www.gpo.gov/fdsys/pkg/CFR-2013-title40-vol23/pdf/CFR-2013-title40-vol23-sec124-19.pdf>. This request for review must be made prior to seeking judicial review of any permit decision. Additional information regarding petitions for review may be found in the Environmental Appeals Board Practice Manual (August 2013) and A Citizen's Guide to EPA's Environmental Appeals Board, both of which are available at [http://yosemite.epa.gov/oa/EAB\\_Web\\_Docket.nsf/General+Information/Environmental+Appeals+Board+Guidance+Documents?OpenDocument](http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/General+Information/Environmental+Appeals+Board+Guidance+Documents?OpenDocument)

The EAB may also decide on its own initiative to review any condition of any UIC permit. The EAB must act within 30 days of the service date of notice of the Regional Administrator's action. Within a reasonable time following the filing of the petition for review, the EAB shall issue an order either granting or denying the petition for review. To the extent review is denied, the conditions of the final permit decision become final agency action when a final permit decision is issued by the EPA pursuant to 40 C.F.R. § 124.19(l).

The Response and final permit will be available at the Decatur Public Library, 130 N. Franklin Street, Decatur, IL or on EPA's website at <http://www.epa.gov/region5/water/uic/adm>. If you have any questions, please contact Allan Batka at (312) 353-7316 or by email to [batka.allan@epa.gov](mailto:batka.allan@epa.gov).

Sincerely,

Tinka G. Hyde  
Director, Water Division

Enclosure



*Batka* *WU-165 (M.C.)* *170m*

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature  <input checked="" type="checkbox"/> <i>Jeffrey Sprague</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Jeffrey Sprague  P.O. Box 442  Argenta, Illinois 62501</p>		<p>B. Received by (Printed Name) <i>Jeffrey Sprague</i> C. Date of Delivery <i>9/26/14</i></p>	
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No  If YES, enter delivery address below:</p>	
		<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>2. Article Number  (Transfer from service label)</p>		<p>7011 1150 0000 2642 9102</p>	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

*Batka* *ADM* *WU-165*

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Postmark Here *SEP 26 2014*

Jeffrey Sprague  
P.O. Box 442  
Argenta, Illinois 62501

for Instructions

7011 1150 0000 2642 9102