



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

REPLY TO ATTENTION OF  
ECW-15J

**VIA EMAIL**

Todd Davis  
Plant Manager  
Archer-Daniels-Midland Company  
4666 Fairies Parkway  
Decatur, Illinois 62526  
Todd.E.Davis@adm.com

**Re: Notice of Violation** of Safe Drinking Water Act at CCS#2 Well (IL-115-6A-0001)  
Injection Well in Decatur, Macon County, Illinois and Opportunity to Confer

Dear Todd Davis:

Information currently available to the United States Environmental Protection Agency suggests that Archer-Daniels-Midland Company (“ADM” or “you”) violated the Safe Drinking Water Act (SDWA), EPA’s Underground Injection Control (UIC) regulations found in Title 40 of the Code of Federal Regulations (C.F.R.) Parts 144 – 148, and your permit, (EPA No. IL-115-6A-0001) (the “Permit”) issued for the Archer Daniels Midland, CCS#2 Well located in Decatur, Macon County, Illinois.

By this letter, EPA is extending to you an opportunity to advise EPA, via a conference call, or in writing, of any further information EPA should consider with respect to the alleged violations described below.

Federal law and regulations provide that all underground injections are unlawful and subject to penalties unless authorized by a permit or a rule. 42 U.S.C. § 300h(b)(1)(A); 40 C.F.R. §§ 144.1(e) & (g); 144.11. An owner or operator of an underground injection well may obtain authorization for an injection. See 42 U.S.C. § 300h-1(b) & (c). Injections authorized by permit must comply with general permit conditions as well as those applicable to the type of injection well subject to the permit. 40 C.F.R. § 144.51.

Noncompliance with a permit is grounds for termination, revocation and reissuance, or modification of the permit. 40 C.F.R. §§ 144.39-40; 144.51(a). Noncompliance with a permit also constitutes a violation of the UIC regulations and the SDWA and may warrant an enforcement action, including administrative and civil judicial penalties pursuant to 42 U.S.C.

§ 300h-2(b) & (c).

EPA issued a permit to you for underground injections by CCS #2 well (“EPA Permit No. IL-115-6A-0001” or “the Permit”). In accordance with the Permit F(1) Duty to Comply condition, you must comply with all conditions of the Permit.

EPA recently evaluated your CCS#2 well located in Decatur, Macon County, Illinois, and associated Verification Wells #1 and #2 (collectively, “the wells”). EPA inspected the wells on June 12<sup>th</sup> and 13<sup>th</sup>, 2024. EPA also reviewed available monitoring reports received from you for the CCS#2 Well monitoring periods from January 1, 2022 to July 1, 2024 .

Based on EPA’s inspection, review of the wells and the Permit, and review of monitoring reports submitted by you for monitoring periods from January 1, 2022, to July 1, 2024, you failed to meet the requirements of the Permit and the UIC regulations in the following ways:

- Construction, operation, maintenance, plugging, or conducting any other injection activity in a manner that allows the movement of injection and formation fluids into any unauthorized zones.
- Failure to follow the Emergency Response and Remediation Plan in accordance with the Permit;
- Failure to monitor the well in accordance with the Permit;

EPA seeks to bring ADM into compliance and resolve the violations alleged above through an administrative order. To take advantage of this proposed settlement, you must:

- (1) **Notify EPA within (3) three days** of your interest in entering into an administrative order<sup>1</sup> to resolve the matters identified.
- (2) Propose dates and times within the next (5) five days upon which to confer with EPA regarding the violations.
- (3) Provide your written response within (5) five days of receiving this letter, including an explanation of:
  - the noncompliance listed above,
  - any action you will take or have taken to remedy the noncompliance, and
  - any steps taken or planned to reduce, eliminate, and prevent noncompliance going forward.

**Please send your response electronically to the Case Manager, James Adamiec, at adamiec.james@epa.gov.** If you are unable to send the response electronically or have

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<sup>1</sup> Please note that a compliance order alone would not resolve potential liability for civil penalties arising from non-compliance.

questions, please use this email address to make additional arrangements for transmission of the information or call 312-886-0815.

You may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to EPA. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. EPA may use any information submitted in response to this notice in an administrative, civil, or criminal action.

This information collection is exempt from the Paperwork Reduction Act under 44 U.S.C. § 3518(c)(1)(B).

Given the public health importance of this matter, please plan to promptly request and thoroughly explain any request for extensions to the timeframes above.

Sincerely,

Michael D. Harris  
Director  
Enforcement and Compliance Assurance Division  
Region 5, EPA

cc (via email):

Steven Murawski, Associate General Counsel, ADM  
Bur Filson, IEPA, [bur.filson@illinois.gov](mailto:bur.filson@illinois.gov)  
Naomi Huff, EPA  
Dean Maraldo, Water Enforcement and Compliance Assurance Branch, EPA  
James Adamiec, Water Enforcement and Compliance Assurance Branch, EPA  
Carlene Dooley, Office of Regional Counsel, EPA