ILLINOIS POLLUTION CONTROL BOARD October 24, 1972

ENVIRONMENTAL PROTECTION AGENCY v.)	
))	# 71-88
)	# /1-00
RALSTON PURINA CO.)	

Mr. Larry R. Eaton, Assistant Attorney General, and Mr. Steven Sutton, for the Environmental Protection Agency

Mr. Walter A. Yoder, and Mr. August Ottinger, for Ralston Purina Company

Opinion & Order of the Board (by Mr. Currie):

Following two days of hearings on this complaint respecting particulate emissions and odors from Purina's Bloomington mill, settlement negotiations were undertaken but no agreement was reached. Our order of November 23, 1971 pointed out that, even when the parties agreed, we would require more information than had been put before us in the proposed settlement in order to evaluate the proposal:

There is no stipulation of facts as required in order to give us a basis for evaluating the proposed order. The question of what to order is for the Board to decide, and it cannot be decided in the absence of a knowledge of the facts. We call attention specifically to the proposal for "directing the emissions of odors away from the Sunnyside Housing Development." Any settlement proposal ought to explain why it is necessary that odors be simply deflected rather than controlled.

3 PCB 143. Noting that, if the hearings had gone on, the case would already have been decided, we added that "we trust there will be no further delays."

There have been further delays. No further hearings were held until September of 1972, when a second attempt at settlement was presented, which totally ignores our order of a year ago. For example, we are asked to determine the issue of money penalties, but there are no facts either in the stipulation or elsewhere in the record to tell us whether or not the boiler emissions, an important part of the Agency's case, were in violation of the regulations. The same

proposal is made for deflecting odors away from nearby homes, with not a shred of evidence or agreed fact to suggest whether or not such a program will be adequate to solve the problem.

The complaint was filed April 21, 1971. A year and a half has passed, and the case has made no progress. When cases are filed, they should be prosecuted. And our orders should be read and obeyed.

The proposed settlement is rejected. A hearing shall be held within 35 days after receipt of this order. If an acceptable stipulation can be reached in the interim, it shall be presented to the Board for examination and upon tentative Board approval may be made the subject of the hearing.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion & Order this $\frac{24^{3}}{5}$ day of $\frac{1972}{5}$, by a vote of $\frac{1972}{5}$

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