

ILLINOIS POLLUTION CONTROL BOARD

March 3, 1971

ENVIRONMENTAL PROTECTION AGENCY)
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 v.) #70-16
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)
 ALLIED MILLS, INC.)

Opinion of the Board (by Mr. Currie):

The Environmental Protection Agency filed its complaint September 30, 1970, seeking penalties and a cease and desist order against pollution of an unnamed tributary of the South Fork Sangamon River from the company's Taylorville plant, which processes soybeans. We scheduled a hearing, which was cancelled when the parties submitted a proposed consent order in which the company conceded liability for a one-shot spillage of soybean oil wastes through a bypass in the waste treatment system, agreed to pay \$2,000 as a penalty, and promised to file a petition for variance covering its entire wastewater system.

The parties appeared at our February 3 meeting to explain their settlement agreement, pursuant to the hearing officer's request and in accordance with our Procedural Rule 333, which requires a statement of reasons for any settlement and requires Board approval of the agreement. At that meeting it became clear that the bypass responsible for the spill was still in existence and therefore that there was a continuing threat of pollution. Board members therefore requested the parties to amend their agreement by including a provision forbidding future discharges through the bypass. We have since received the modified agreement, which incorporates the Board's requested provision, and we hereby adopt the settlement agreement as the order of the Board.

CONSENT ORDER

Petitioner, Environmental Protection Agency, and Respondent, Allied Mills, Inc., stipulate and agree to the following conditions of settlement to be approved by the Pollution Control Board, to-wit:

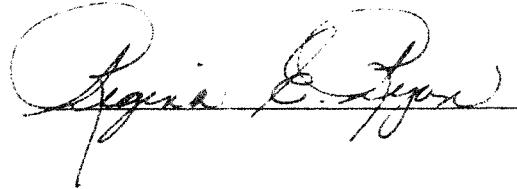
1. That on or about August 2, 1970, Allied Mills, Inc. discharged polluted effluent into the waters of an unnamed tributary to the South Fork Sangamon River in Christian County, Illinois, in violation of Section 12(a) of the Environmental Protection Act and Regulation SWB-14 of the Illinois Sanitary Water Board.

2. That, on or before February 3, 1971, Allied Mills, Inc. shall pay to the Environmental Protection Agency the sum of two thousand dollars (\$2,000.00) as a penalty for these violations.

3. That, on or before February 3, 1971, Allied Mills, Inc. shall file with the Pollution Control Board a Petition for Variance in accordance with Title 9 of the Environmental Protection Act, which Petition shall cover the water pollution control facilities at Respondent's Taylorville, Illinois plant.

4. Allied Mills, Inc. covenants and agrees to cease and desist bypassing waters from the storm water collection pond located on its premises to the unnamed tributary of the South Fork Sangamon River in Christian County, Illinois.

I, Regina E. Ryan, Clerk of the Board, certify that the Pollution Control Board adopted the above Opinion and Order this 3rd day of March, 1971.



I concur:

Samuel R. Aldrich

[Signature]

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I dissent:
