ILLINOIS POLLUTION CONTROL BOARD March 6, 1980

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
Complainant,)	
V •)	PCB 77-157
DECATUR SANITARY DISTRICT, A. E. STALEY MANUFACTURING COMPANY and ARCHER-DANIELS-MIDLAND COMPANY,)))	
Respondents.)	

CONCURRING OPINION (by Chairman Dumelle and Board Member Werner):

The Board Opinion states "there is no evidence in the record on which the Board can base a finding as to the character and degree of the public injury which resulted from the discharges." (Opinion, p.3). We agree. But how then can the Board decide if the stipulated \$3,000 penalty upon both A.E. Staley Manufacturing Company and Archer Daniels-Midland Company is correct?

The record does not tell us the strength of the degraded effluent from the sewage treatment plant nor of any effects of this effluent upon the receiving stream. The odor nuisance, if any, is not documented as to degree and severity.

This is an old case filed almost three years ago. There were no objections to the proposed settlement. We concur in now adopting the settlement rather than remanding it to the parties for information on the above mentioned deficiencies in the record. Future settlement proposals should address the Board's need to know the factors in Section 33(c) of the Act.

Respectfully submitted

Jacob D. Dumelle

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I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was filed on the _______, 1980

Christan L. Moffett / Clerk
Illinois Pollution Control Board