

ILLINOIS POLLUTION CONTROL BOARD
July 7, 1977

ENVIRONMENTAL PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 77-157
)
DECATUR SANITARY DISTRICT, A. E. STALEY)
MANUFACTURING CO., and ARCHER-DANIELS-)
MIDLAND CO.,)
)
Respondents.)

DISSENTING OPINION (by Mr. Young):

On July 7, 1977, the Board denied by a vote of 4-1, a Motion by Respondent Archer-Daniels-Midland Company (A-D-M) to Dismiss Count II of the Complaint.

Count II alleges that the Respondent A-D-M discharged organic wastes to the sewers in such quantities and of such nature to cause the Decatur Sanitary District sewage treatment facility to become overloaded and caused a violation of the District's effluent limitations and caused or contributed to the presence of operational odors in violation of Rule 701(a) of Chapter 3.

In the Board Opinion of March 7, 1972 (3 PCB 755), which was the adopting Opinion in R70-8, R71-14, and R71-20, the Board at 3 PCB 775 made the following comment:

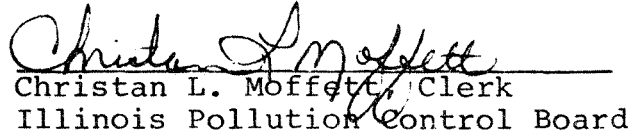
"Part VII contains minimum limits on discharges to sewers, designed to protect treatment works against harm that might cause violation of effluent or water quality standards. We have added language suggested by Dr. Pipes to protect against hazards to sewage plant personnel and against discharge of materials that will go through the plant without treatment and cause effluent violations."

This statement and the transcript of the hearings which led to the adoption of Rule 701 establish without doubt the intent of the Board in promulgating Rule 701(a). The allegations of Count II of the Complaint would not constitute a violation of 701(a) even if proven because the material allegedly discharged to the sewer clearly falls outside of that Rule.

The Motion to Dismiss by Respondent A-D-M should be granted.


James L. Young

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Dissenting Opinion was submitted to me on the 12th day of July, 1977.


Christian L. Moffett, Clerk
Illinois Pollution Control Board