

ILLINOIS POLLUTION CONTROL BOARD

September 12, 1974

STUDENTS FOR ENVIRONMENTAL CONCERN,
J. D. DUNWOODY and L. J. STONE,

Complainants,

vs.

WEDRON SILICA DIVISION, DEL MONTE
PROPERTIES COMPANY,

Respondent.

PCB 73-439

ORDER OF THE BOARD (by Mr. Seaman):

On October 16, 1973, Complaint was filed against Wedron Silica, charging therein violation of Sections 12(a) and 12(b) of the Illinois Environmental Protection Act and Rules 404(a), 405 and 903(a) of Chapter 3 of the Pollution Control Board Rules and Regulations.

Complainants charge that from April 1, 1973 to the date of the Complaint, Respondent discharged into the Fox River effluents significantly in excess of the limits imposed by Rules 404(a) and 405. Complainants further charge that Respondent does not hold a permit from the Agency for the discharge of allegedly violative effluent in violation of Section 12(b) of the Act and Rule 903(a).

A public hearing was held in this matter on May 2, 1974. The sole action taken at that hearing was the admission of a Stipulation And Proposal For Settlement agreed to between the parties. We find that document to be inadequate as a basis for our decision in the following respect: Paragraph 10 of the Proposal For Settlement, wherein the parties agree that the complaint shall be dismissed should the provisions of the Proposal For Settlement be approved by the Board, is unacceptable in that it misconstrues the legal effect of a Board dismissal.

We, therefore, order the parties to cure the defect in the Stipulation And Proposal For Settlement described above or notify this Board of such other action which is deemed in their best interests within thirty days from the date of this Order.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, does hereby certify that the above Order was adopted on this 12th day of September, 1974 by a vote of 4-0.

