ILLINOIS POLLUTION CONTROL BOARD May 3, 1972

ENVIRONMENTAL PROTECTION AGENCY)
v.) # 72-125)
SWIFT & CO.)

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

Swift moves to dismiss on the ground that the complaint is overly vague. The governing considerations are set forth in EPA v. Chicago Housing Authority, #71-320 (April 4, 1972), and need not be repeated here. The complaint specifies odors from storage tanks for edible oil raw materials and, by reference to the statute, charges they were harmful. This gives fair warning; pleading the details of evidence is not required. It is also urged that due process forbids our finding a violation without "objective testing for odors."

We do not know whether or not EPA intends to introduce results of such testing, so the argument is as premature as it is without merit. Finally it is urged that equal protection has been denied because the Board has prescribed an objective odor test for rendering plants and for no one else. This argument would disable the Board from adopting any numerical standards until it has sufficient information to adopt them for all potential sources. Such a position refutes itself.

The motion to dismiss is denied.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order this 3rd day of May, 1972, by a vote of 4-0.

Christian & M offett