

ILLINOIS POLLUTION CONTROL BOARD
January 4, 1979

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	PCB 78-41
)	
CARGILL, INC.,)	
a Delaware corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by Mr. Werner):

On December 28, 1978, Cargill, Inc. filed a Motion for Modification of Order which requested that the Board modify its previously entered Order (of December 14, 1978) to provide that the Respondent will be allowed up to February 14, 1979 in which to submit the requisite Construction Permit applications to the Agency for a catalytic incinerator system.

On January 2, 1979, Cargill filed a Motion to Withdraw Motion for Modification of Order citing the reason that Cargill, Inc. and the Agency have entered into discussions which are likely to lead to a joint motion. The Respondent's Motion to Withdraw Motion for Modification of Order is hereby granted.

On January 3, 1979, the parties in this case filed a Joint Motion for Modification of Order. The modification requested is to paragraph 3 of the Board's Order dated December 14, 1978, which the parties have agreed to read as follows:

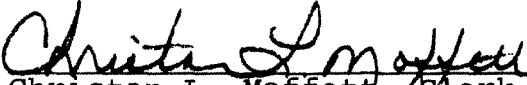
3. Cargill, Inc. shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed November 3, 1978, which is incorporated by reference as if fully set forth herein. Notwithstanding the terms of paragraphs 17 and 18 of said Stipulation, Cargill will submit to the Agency applications for all required construction permits for the incinerator system on or before February 14, 1979. The Agency shall make its decision on said applications within 45 days after the receipt thereof, and this 45 day decision period shall not constitute "delay" within the meaning

of paragraph 23 of the Stipulation for purposes of extending other agreed time limitations. The eight month time period described in paragraph 18 of the Stipulation shall be reduced by one day for each day that elapses after January 14, 1979 until Cargill submits the construction permit applications to the Agency. All other time limitations provided in the Stipulation for actions to be taken by Cargill shall remain unchanged, and shall be unaffected by the provisions contained herein.

The Joint Motion for Modification of Order is hereby granted and paragraph 3 of the Board's Order of December 14, 1978 is hereby modified in accordance with the aforementioned agreement of the parties.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 4th day of January, 1979 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board