

ILLINOIS POLLUTION CONTROL BOARD  
November 23, 1971

ENVIRONMENTAL PROTECTION AGENCY )  
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 v. ) # 71-88  
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 RALSTON PURINA CO. )

Preliminary Order (by Mr. Currie):

This complaint respecting air pollution in Bloomington was filed April 21, 1971. Hearings belatedly began in September, only to be interrupted for settlement negotiations. On November 12 we were sent a purported settlement agreement among the company, the Attorney General, and the intervening neighbors.

We cannot consider this agreement. In the first place it has not been accepted by the Environmental Protection Agency, which is the complainant in the case. As we held in EPA v. City of Marion, # 71-25 (October 28, 1971), a party's attorney cannot settle a case without the party's consent. Moreover, there is no stipulation of facts as is required in order to give us a basis for evaluating the proposed order. The question of what to order is for the Board to decide, and it cannot be decided in the absence of a knowledge of the facts. We call attention specifically to the proposal for "directing the emissions of odors away from the Sunnyside Housing Development." Any settlement proposal ought to explain why it is necessary that odors be simply deflected rather than controlled.

Settling disputes without the burdens of hearings is encouraged by the Board. But the attempt at settlement must not be permitted to delay the resolution of the controversy, and it must not leave the Board in the dark as to the facts on which its determination of the public interest depends. Had the hearings been completed as scheduled, this case would have been decided by now. We trust there will be no further delays.

The proposed settlement is rejected. Further proceedings are to be held with all reasonable dispatch.

I, Christian Moffett, Acting Clerk of the Pollution Control Board, certify that the Board adopted the above Preliminary Order this 23 day of November, 1971.

